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FROM

The Commission

NEW YORK STATE

FIFTH ANNUAL REPORT

OF THE

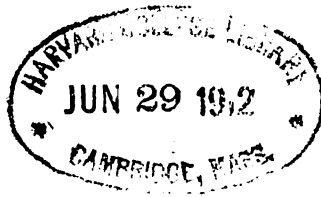
State Probation Commission

FOR THE YEAR ENDING DECEMBER 31, 1911

TRANSMITTED TO THE LEGISLATURE MARCH 29, 1912

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The Commission



STATE OF NEW YORK

No. 19.

IN ASSEMBLY

March 29, 1912.

FIFTH ANNUAL REPORT

OF THE

STATE PROBATION COMMISSION.

STATE OF NEW YORK,

OFFICE OF THE STATE PROBATION COMMISSION,

THE CAPITOL, ALBANY, *March 29, 1912.*

To the Hon. EDWIN A. MERRITT, *Speaker:*

SIR.—By direction of the Commission I transmit to the Legislature, herewith, the Fifth Annual Report of the State Probation Commission for the year 1911, as required by section 30, chapter 56, Laws of 1909.

Very respectfully yours,

HOMER FOLKS,

President.

MEMBERS OF THE STATE PROBATION COMMISSION.

NAME.	Address.	Appointed by	Date appointed.	Term expires.
Homer Folks, President.	105 East 22d street, New York city.	The Governor.....	July 2, 1907 Jan. 5, 1912	 July 1, 1915
Frank E. Wade, Vice-President.	D. S. Morgan building, Buffalo.	The Governor..... The Governor..... Prison Commission Prison Commission Prison Commission	July 2, 1907 July 29, 1908 June 7, 1910 Jan. 3, 1911 Jan. 2, 1912	 Jan. 7, 1913
Edward C. Blum...	424 Fulton street, Brooklyn.	The Governor.....	Oct. 4, 1910	July 1, 1912
Edmond J. Butler..	92 William street, New York city.	The Governor.....	Sept. 16, 1910	July 1, 1914
Alphonso T. Clear- water	Ulster County Savings Bank building, Kings- ton.	The Governor..... The Governor.....	April 21, 1909 Sept. 16, 1910	 July 1, 1913
Andrew S. Draper..	The Capitol, Albany..	Ex-Officio.....	June 6, 1907	.....
Horace McGuire...	German Insurance building, Rochester.	Board of Charities.	Nov. 17, 1909 April 12, 1911	 April 12, 1912

FORMER MEMBERS.

NAME.	Address.	Appointed by	Date appointed.	Retired.
Roger P. Clark.....	Binghamton.....	Prison Commission	July 2, 1907	Jan. 1, 1909
Felix M. Warburg..	New York city.....	The Governor.....	July 2, 1907	April 20, 1909
Dennis McCarthy..	Syracuse.....	Board of Charities.	July 12, 1907	Oct. 31, 1909
Francis C. Hunting- ton.	New York City.....	Prison Commission	Jan. 5, 1909	June 7, 1910
Charles F. McKenna	New York City.....	The Governor.....	July 2, 1907	Sept. 17, 1910

STANDING COMMITTEES.

Committee on Publication.—The President, Commissioners Clearwater, Draper and Blum.

Committee on Finance.—Commissioners Blum, Butler, Draper and the President.

Committee on Investigation.—Commissioners Wade, Blum, Butler and the President.

Committee on Extension.—Commissioners Butler, McGuire, Wade and the President.

Committee on Legislation.—Commissioners McGuire, Clearwater, Wade and the President.

Office Staff.

Arthur W. Towne, Secretary.

Richard A. Flinn, Assistant Secretary.

Clement A. Munger, Stenographer.

Lina J. Kline, Stenographer.

OFFICE.

Room 142, the Capitol, Albany.

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REPORT.

To the Honorable the Legislature of the State of New York:

The State Probation Commission respectfully submits the following report for the year ending December 31, 1911.

PART I. BRIEF SURVEY.

Duties of the Commission.

The duties of the State Probation Commission, as prescribed by section 30 of chapter 54 of the Consolidated Laws, are as follows:

To exercise general supervision over the work of probation officers, and to keep informed as to their work.

To collect and publish statistical and other information as to the operations of the probation system.

To inquire into the conduct and efficiency of probation officers, and when advisable to conduct a formal investigation of the work of any probation officer.

To secure the effective application of the probation system, and the enforcement of the probation law in all parts of the State.

To inform magistrates and probation officers of legislation directly affecting probation, and to publish a list of probation officers.

To make an annual report to the Legislature.

What Probation is.*

Probation is a system used in suitable instances to discipline and improve the conduct of convicted adult offenders and juvenile delinquents, without commitment to an institution, by release on good behavior and under the authoritative, helpful oversight of an official known as a probation officer. Those placed on proba-

* The operations and benefits of the probation system are more fully described in a pamphlet issued by the Commission under the title of "The Probation System in New York State."

tion are usually required—for a period varying from a few months to a year or two—to report regularly to the probation officer, and to observe certain restrictions and regulations as to their actions and behavior. The probation officer, besides receiving reports from the probationers, tries to win their confidence and friendship, visits them in their homes, makes inquiries from other sources concerning their conduct and manner of life, and aids them in practical ways to become rehabilitated as orderly, useful members of society. If any probationer fails to satisfy the conditions laid down by the court, he may be returned to court for commitment or other treatment.

Increased Use of Probation.

There was a marked growth in the use of probation during the year ending December 31, 1911. Including those continued on probation from the preceding year, there were 14,748 persons under probationary oversight during part or all of the year. Of this number, 10,669 were placed on probation during the year. This is an increase of more than 25 per cent. as compared with the preceding year. More than a quarter of these were children. The probationers reported as remaining under oversight at the end of the year numbered 4,992.

The following chart shows the number of persons on probation on December 31, as reported by probation officers, and the number of inmates in public and private penal and reformatory institutions on September 30, of each of the past five years. It will be seen that while the number in institutions has on the whole remained about the same, the number on probation has steadily increased.

Provisions were made during the year increasing the number of salaried positions of probation officers from 106 to 118. Eight county courts, two city courts, and about a dozen town and village courts used probation for the first time. The collections by probation officers of instalment fines, restitution and family-support from probationers more than doubled. Most

gratifying of all, however, have been the improvements in the methods of looking after and aiding persons on probation. Each year the probation system becomes more strongly established as a permanent and effective reformatory agency.

KEY-  = IN INSTITUTIONS;  = ON PROBATION

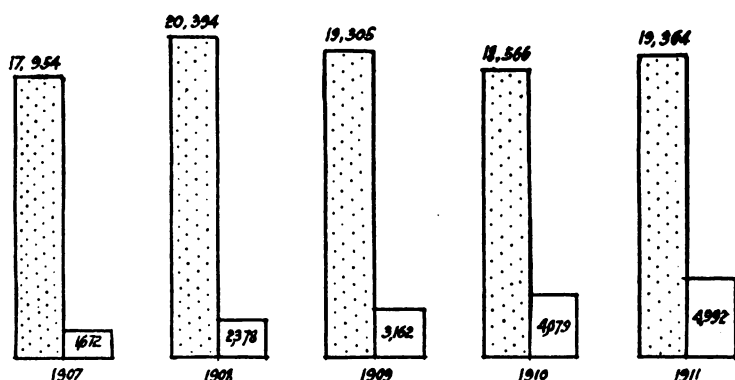


Diagram Showing the Increase in the Number of Persons on Probation, and the Number in Penal and Reformatory Institutions, at the end of each year.

The following statement summarizes the more important statistical facts as to the use of probation in the State during 1911.

	Children.	Adults.	Total.
Number on probation during the year.	3,849	10,899	14,748
Number placed on probation during the year	2,622	8,047	10,669
Number remaining on probation on December 31, 1911.	1,176	3,816	4,992
Percentage of persons passed from probation reported as improved.	80%	79%	80%
Number of cities using probation.	35		
Number of counties in which the Supreme or County Court, or both, used probation	34		
Number of towns and villages using probation, about.	50		

	Publicly salaried.	Privately salaried.	Detailed from other branches of the public service.	Volunteers.	Total.
Number of probation officers holding appointments on December 31, 1911	109	5	2	508	624
Number of probation officers appointed during the year	40	.....	.....	102	142
Number of positions for which appropriations were available on January 1, 1912	118	.....	.....	.....	118

Summary of Work of Commission.

The Commission collected the usual monthly statistical and other reports from probation officers, and supplied them with copies of the probation laws and various information and suggestions. Individual commissioners and the secretary and assistant secretary visited a number of courts for the purpose of making inquiries, and offering suggestions, recommendations and practical assistance.

It practically completed and is about to publish the manual and directory which has been in the course of preparation for some time; and during the year it published special directories of the magistrates and probation officers in the State. It revised and improved the system of forms which the Commission supplies to probation officers for their records and reports to the courts. It prepared and published a uniform system of receipts, cashbooks, and loose-leaf ledgers for use by probation officers in collecting instalment fines, restitution, reparation and family-support from probationers.

It recommended and assisted in securing the establishment of a municipal juvenile detention home in Syracuse — the second such institution in the State. It made an extended investigation and recommendations concerning the probation work in the Buffalo City Court, and drafted a set of probation rules which have been adopted by the judges. It also made investigations, inquiries and recommendations concerning the work in other parts of the State.

Upon the request of local authorities and citizens it assisted in securing appropriations and the appointment of probation officers. In certain places it aided in conducting competitive examinations for these positions. The Commission took an active part in the prolonged discussion in New York City as to whether probation officers in the lower courts of that city were to be retained in the competitive class, and participated in the case which was finally decided in the affirmative by the Court of Appeals.

It conducted a two days' State conference of probation officers in Watertown, and a series of twelve probation conferences in New York City. It also assisted in arranging the annual State conference of magistrates. It published and distributed a large amount of literature concerning the operations and benefits of probation, and acted as a bureau of information and advice. It made three small exhibits and provided speakers at a number of meetings.

It collected special reports and made special inquiries from probation officers concerning absconders from probation. It studied a number of other problems in probation work, including the correlation of the probation and the parole systems. It also assisted in various other ways to promote the conservative and intelligent use of probation.

Members, Officers and Committees of the Commission.

During 1911, the term of Commissioner Homer Folks expired, and he was reappointed by Governor Dix for a term of four years. The term of Commissioner Frank E. Wade, who has been the representative of the State Commission of Prisons on the State Probation Commission, expired as a member of the former body, and he also was reappointed by Governor Dix, after which he was renamed by the Prison Commission as its representative on the Probation Commission.

Vice-President Wade served as acting president of the Commission during the last six months of the year while President Folks was abroad. At the annual meeting of the Commission in Jan-

uary 1912, Commissioners Folks and Wade were re-elected president and vice-president, respectively, for the ensuing year.

The members of the standing committees are given on page 6 of this report.

Appropriations to the Commission by the Legislature of 1911.

In the Appropriation Bill.

For the salary of the secretary, three thousand dollars (\$3,000);

Employees according to grade:

Seventh grade, two employees, one thousand five hundred dollars each (\$3,000);

Fourth grade, one employee, seven hundred and twenty dollars (\$720);

For temporary help, fifty dollars (\$50), or so much thereof as may be necessary.

For traveling expenses of the commissioners, secretary and other employees, while engaged in the discharge of their official duties, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For furniture, books, blanks, stationery, printing, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for the same, and other necessary and incidental office expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For conferences, two hundred dollars (\$200), or so much thereof as may be necessary.

Total, \$11,470.

In the Supply Bill.

For deficiency for travel, four hundred dollars (\$400);

For deficiency for extra help, seventy-five dollars (\$75).

Total, \$475.

Appropriations Requested from the Legislature of 1912.*In the Appropriation Bill.*

For the salary of the secretary, three thousand five hundred dollars (\$3,500);

Employees according to grade:

Seventh grade, three employees, one thousand five hundred dollars each (\$4,500);

Fourth grade, one employee, nine hundred dollars (\$900);

For temporary help, two hundred dollars (\$200), or so much thereof as may be necessary.

For traveling expenses of the commissioners, secretary and other employees, while engaged in the discharge of their official duties, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, books, blanks, stationery, printing, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for the same, and other necessary and incidental office expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For conferences, two hundred dollars (\$200), or so much thereof as may be necessary.

Total, \$14,300.

In the Supply Bill.

For deficiency for extra help, one hundred fifty dollars (\$150);

For deficiency for travel, five hundred dollars (\$500).

Total, \$650.

Legislation.

The State Probation Commission felt obliged to oppose two bills introduced into the Legislature of 1911 which related to probation, and we are pleased to report that neither measure became law. One aimed to place probation officers in the lower courts of New York City in the exempt class of the civil service. Since the question of the classification of these positions was at the time pending before the Court of Appeals, the bill was allowed by its introducer to remain in committee. The other

bill provided for the appointment of salaried probation officers in the Court of General Sessions of New York county according to religious faiths. This bill was vetoed by Governor Dix.

A third bill, introduced upon the recommendations of the special Commissioners appointed by Governor Dix to investigate the State prisons, contemplated the supervision of institutional parole officers by the State Probation Commission, and also the more extended use of probation officers in looking after persons paroled from institutions. This bill also failed of passage.

Growth of Probation in the United States.

Our last annual report contained two maps showing the remarkable growth of the probation system in the United States from 1900 to 1910, inclusive. During the first named year only six states had probation laws; while in 1910, laws on this subject were in effect in thirty-nine states and the District of Columbia. During the year 1911, three additional states passed statutes relating to probation. Each year also witnesses the steady advance of probation in other countries.

PART II. EXTENT AND RESULTS OF USE OF PROBATION.

Courts Using Probation.

During 1911 the probation system was used in the courts of thirty-five cities; in the Supreme and County Courts of thirty-four counties, and in about fifty towns and villages. The cities that used probation or appointed probation officers for the first time were Cortland and Kingston, and the counties that used it for the first time were Chemung, Clinton, Cortland, Greene, Lewis, Putnam, Queens, Seneca and Steuben.

Appropriations for More Probation Officers.

Appropriations for the establishment of seventeen additional positions of probation officer were made or became effective during 1911. This does not include twenty-four positions established in the lower courts of New York City during 1910, which were not filled until 1911. The seventeen positions referred to were in

Albany, Buffalo, Kingston, Lackawanna, Syracuse, Utica, Clinton county, Cortland county, Jefferson county, Lewis county, Madison county and Putnam county. The appropriations for the Buffalo Children's Court and the Lackawanna City Court, and in Cortland, Jefferson, Lewis and Madison counties did not become available until 1912.

A number of the newly appointed probation officers in New York City were women. In Albany, Buffalo, Syracuse, Utica and Madison county paid women officers have been appointed for the first time.

Number of Probation Officers.

The number of positions of probation officer in the State increased during the year to 624. On January 1, 1912, there were 118 publicly paid positions. A number of the persons who held appointments as volunteers had few or no cases under their care during the year. A table showing the distribution of the probation officers is given in Appendix A.

Persons on Probation During 1911.

According to the monthly statistical reports made to the Commission by probation officers, 14,748 persons were under probationary supervision during 1911. Of these, 3,849 were children and 10,899 adults. Those placed on probation during the year numbered 10,669. As has been noted earlier, the probation cases increased during the year about 25 per cent. The number reported as under probationary care on December 31, 1911, was 4,992.

GENERAL STATISTICS OF USE OF PROBATION IN THE STATE DURING 1911.

	Boys.	Girls.	Men.	Women	Total.
Number of persons continued on probation from 1910.....	1,126	101	2,491	361	4,079
Number of persons placed on probation during 1911.....	2,187	435	6,811	1,236	10,669
Total number of persons on probation during part or all of 1911.....	3,313	536	9,302	1,597	14,748

The next table shows the distribution of those put on probation, according to courts.

NUMBER OF PERSONS PLACED ON PROBATION IN 1911, ARRANGED
BY PLACES.

PLACES.	Courts.	Boys.	Girls.	Men.	Women.	Total.
<i>Cities.</i>						
Albany.....	Police.....	43	8	12	16	79
Amsterdam.....	Recorder's.....	19		26	1	46
Auburn.....	Recorder's.....	2		31	3	36
Binghamton.....	City.....	6				6
Buffalo.....	Children's.....	369	28			397
Buffalo.....	City.....			846	43	889
Cohoes.....	Recorder's.....	23	3			26
Cortland.....	City.....			8		8
Dunkirk.....	Municipal.....	8	1	6		15
Elmira.....	Recorder's.....	7		1		8
Fulton.....	Police.....	2				2
Gloversville.....	Recorder's.....	14		16	1	31
Hudson.....	City.....	10	2			12
Ithaca.....	City.....	8		34	5	47
Jamestown.....	Police.....			2	1	3
Johnstown.....	Recorder's.....	13				13
Kingston.....	Recorder's.....	7		3	2	12
Lackawanna.....	City.....			5		5
Middletown.....	Recorder's.....			3		3
Mount Vernon.....	City.....	39	7	23	5	74
Newburgh.....	Recorder's.....	11	1	2		14
New Rochelle.....	Special Sessions.....	8	3	1		12
New York City.....	Board of Magistrates, 1st Division.....			1,130	504	1,634
New York City.....	Board of Magistrates, 2d Division.....			1,875	366	2,241
New York City.....	Special Sessions, Manhattan and the Bronx.....			616	86	702
New York City.....	Special Sessions, Brooklyn, Queens and Richmond.....			324	31	355
New York City.....	Children's, N. Y. County.....	181	183			364
New York City.....	Children's, Kings County.....	716	128			844
New York City.....	Children's, Queens County.....	78	14			92
New York City.....	Children's, Richmond County.....	75	3			78
Niagara Falls.....	Police.....	8	6	11		25
Oswego.....	Recorder's.....	7	1	10		18
Plattsburg.....	City.....	6	3	11	1	21
Poughkeepsie.....	City.....			14	6	20
Rochester.....	Police.....	*	*	105	30	234
Rome.....	City.....	9	1	38	5	53
Schenectady.....	Police.....	62	8	2	2	74
Syracuse.....	Special Sessions.....	50	10	117	21	207
Troy.....	Police.....	62	2	7	1	72
Utica.....	City.....	86	5	107	20	218
Watertown.....	City.....	7	4	8	2	21
Watervliet.....	Recorder's.....	22		1		23
Yonkers.....	Special Sessions.....	80	3	42	2	127
Totals for cities.....		2,047	424	5,527	1,163	9,161
<i>Towns and Villages.</i>						
In Chemung County.....	Justice of Peace or Police.....	4		1		5
" Clinton.....	Justice of Peace or Police.....			5	1	6
" Erie.....	Justice of Peace or Police.....	1		2		3
" Fulton.....	Justice of Peace or Police.....			1		1
" Montgomery.....	Justice of Peace or Police.....			1		1
" Nassau.....	Justice of Peace or Police.....		1			1
" Niagara.....	Justice of Peace or Police.....	2		2		4
" Oneida.....	Justice of Peace or Police.....	7		49	2	58
" Rensselaer.....	Justice of Peace or Police.....			1		1
" Saratoga.....	Justice of Peace or Police.....	6		7	2	15
" Schenectady.....	Justice of Peace or Police.....	26		2		28
" Suffolk.....	Justice of Peace or Police.....	1				1
" Warren.....	Justice of Peace or Police.....		1	2		3
" Yates.....	Justice of Peace or Police.....			1		1

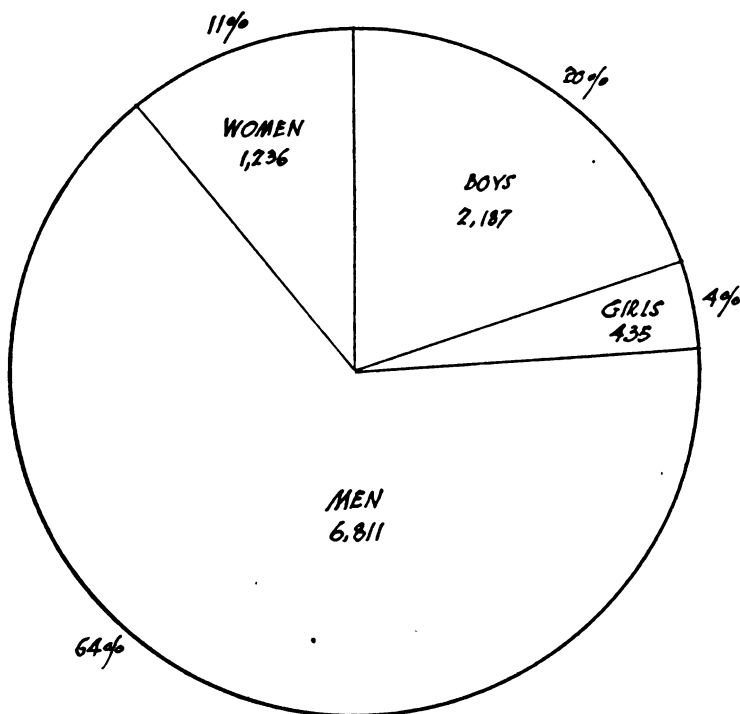
* See statistics for Monroe County Court, [Children's] Part.

NUMBER OF PERSONS PLACED ON PROBATION IN 1911, ARRANGED
BY PLACES — (Concluded).

PLACES.	Courts.	Boys.	Girls.	Men.	Women.	Total.
<i>Towns and Villages—</i>						
<i>(Concluded).</i>						
Albion.....	Police.....	8	.....	2	.....	10
Batavia.....	Police.....	7	2	1	.....	10
Haverstraw.....	Police.....	10	.....	20	7	37
Newark.....	Police.....	.....	.....	1	.....	1
Norwich.....	Police.....	4	.....	9	1	14
Saratoga Springs.....	Police.....	18	.....	60	2	80
Totals for towns and villages.....	.....	94	4	167	15	280
<i>Counties.</i>						
Albany.....	Supreme and County.....	.....	.....	24	1	25
Broome.....	Supreme.....	.....	.....	3	.....	3
Cayuga.....	Supreme and County.....	.....	.....	3	.....	3
Chautauqua.....	Supreme.....	.....	.....	1	.....	1
Chemung.....	County.....	.....	*1	2	.....	3
Chenango.....	Supreme and County.....	.....	.....	3	.....	3
Clinton.....	Supreme.....	.....	.....	1	.....	1
Cortland.....	County.....	.....	.....	1	.....	1
Delaware.....	County.....	.....	.....	2	.....	2
Erie.....	Supreme and County.....	.....	.....	189	4	193
Essex.....	Supreme and County.....	.....	.....	4	.....	4
Fulton.....	Supreme and County.....	.....	.....	4	.....	4
Greene.....	Supreme and County.....	.....	.....	2	1	3
Herkimer.....	County.....	.....	.....	.....	1	1
Lewis.....	County.....	.....	.....	2	.....	2
Monroe.....	County.....	.....	.....	26	3	29
Monroe.....	County, Children's Part.....	46	6	.....	.....	52
Montgomery.....	County.....	.....	.....	1	.....	1
New York.....	Supreme and General Ses- sions.....	.....	.....	691	44	735
Oneida.....	Supreme and County.....	.....	.....	29	3	32
Onondaga.....	Supreme and County.....	.....	.....	27	.....	27
Ontario.....	Supreme.....	.....	.....	1	.....	1
Oswego.....	Supreme and County.....	.....	.....	19	.....	19
Otsego.....	County.....	.....	.....	2	.....	2
Queens.....	County.....	.....	.....	22	1	23
Rensselaer.....	Supreme and County.....	.....	.....	9	.....	9
Richmond.....	County.....	.....	.....	1	.....	1
St. Lawrence.....	County.....	.....	.....	6	.....	6
Saratoga.....	Supreme and County.....	.....	.....	6	.....	6
Seneca.....	County.....	.....	.....	1	.....	1
Steuben.....	Supreme.....	.....	.....	1	.....	1
Suffolk.....	County.....	.....	.....	4	.....	4
Warren.....	Supreme and County.....	.....	.....	9	.....	9
Westchester.....	County.....	.....	.....	16	.....	16
Wyoming.....	County.....	.....	.....	5	.....	5
Totals for Su- preme and Co. Courts.....	.....	46	7	1,117	58	1,228
Grand totals.....	.....	2,187	435	6,811	1,236	10,669

* Placed on probation after an appeal from a lower court.

The following chart shows the relative proportion of boys, girls, men and women among those placed on probation during 1911:



PROPORTION OF BOYS, GIRLS, MEN AND WOMEN AMONG THOSE
PLACED ON PROBATION.

The statistics given on pages 18 and 19 show that 86 per cent. of those dealt with through probation were placed on probation by the courts of cities; 11 per cent. by the Supreme and County Courts; and 2 per cent. by the courts of towns and villages. The increase in the number of persons placed on probation during the year applied generally to boys, girls, men and women. The most conspicuous increase, however, was among girls. While 182 girls were placed on probation during 1910, the number during 1911 was 435. This particular increase was due largely to the appointment of salaried women probation officers for the first time in the children's courts of New York City and of certain other cities. The growth in the number of men and women released on probation is to be attributed principally to the appointment of the additional probation officers in the Magistrates' Courts and the Court of Special Sessions in New York City.

" Informal Cases."

The above statistics include a number of so-called "informal cases." The probation laws, except as noted below, have always contemplated the placing of persons on probation only after conviction. In a number of children's courts and certain other courts, however, probation has been more or less used without formal conviction. This has been done in cases where the judge has believed the defendants guilty, in order to avoid stigmatizing them with a criminal record. This practice has been followed especially among children and also in cases of non-support of family where the conviction of a husband might act as a hindrance to the subsequent reconciliation of the husband and wife. Such cases have become known as "informal probation cases." From the legal standpoint, the probation officers receiving such cases have no authority over the so-called "probationers."

The only cases where the use of probation without a prior conviction is authorized by law are those of adult contributory delinquency, as provided in section 494 of the Penal Law. This section expressly provides that probation in these cases, however, shall be only upon the consent of the defendant and

that the power of the probation officer is limited to making inquiries.

The State Probation Commission, while recognizing the beneficial effects in some cases of sparing persons from a conviction, has regarded this informal use of probation as without legal authority, as susceptible of abuse, and as likely often to be less effective than statutory probation. Probation should rest in every instance upon unquestioned legal authority. The proper remedy for overcoming the objections to a formal conviction, if necessary, would seem to be through the legislative amendment of the court procedure. It has already been provided that except in capital cases, children shall not be convicted of a crime, but only of juvenile delinquency. The special statutes applying to the children's courts of New York City, Buffalo and Monroe county have gone farther by providing that children in those courts, instead of being found guilty, may be declared to be in need of the care and protection of the State, after which they may be placed on probation.

The Commission has recently considered it advisable, nevertheless, to permit probation officers, at least for the present, to include these "informal cases" in their statistical reports to the Commission. Our reasons for taking this step have been, first, that the probation officers in dealing with "informal cases" act pursuant to the direction of the justice or magistrate; second, that the probation officers often spend as much, if not more time and effort on "informal cases" than on formal cases; and third, that in certain courts where a large proportion of the probation work is carried on in this informal manner, the reporting to the Commission of only the formal probation cases would not give an adequate indication of the number of defendants placed under the oversight of probation officers.

Charges Against Persons Placed on Probation.

The next two tables indicate the relative frequency of the more common charges for which defendants were convicted or otherwise adjudged before being placed on probation during 1911.

CLASSIFICATION OF CHARGES AGAINST 2,622 CHILDREN PLACED
ON PROBATION IN 1911.

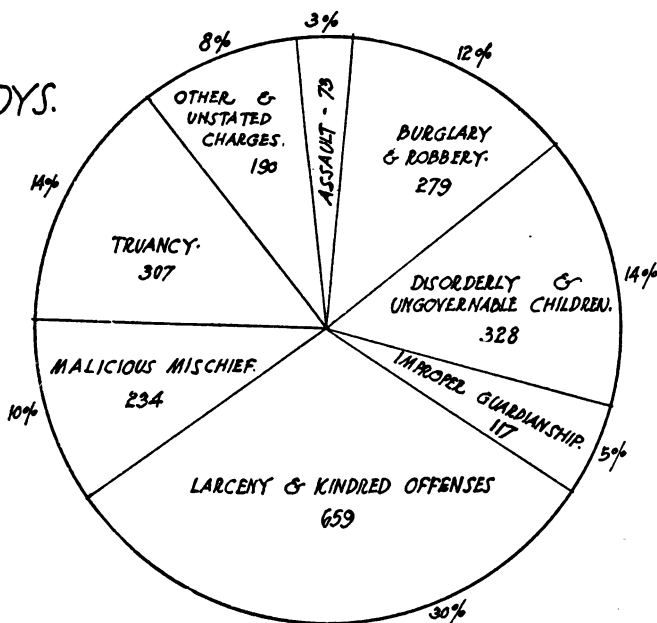
CHARGES.	Number boys.	Number girls.	Per cent. boys.	Per cent. girls.
Assault.....	73	3	3	0.6
Burglary or robbery.....	279	.....	12	.....
Disorderly or ungovernable child.....	328	114	14	26
Improper guardianship.....	117	128	5	29
Larceny or kindred offenses.....	659	52	30	12
Malicious mischief, breach of peace or disorderly conduct.....	234	.....	10	.....
Truancy (including prosecutions for truancy under charge of vagrancy).....	307	39	14	8
Other charges and unstated lesser offenses.....	190	99	8	22
Total.....	2,187	435	.....	.....

CLASSIFICATION BY OFFENSES OF 8,047 ADULTS PLACED ON PRO-
BATION IN 1911.

OFFENSES.	Number men.	Number women.	Per cent. men.	Per cent. women.
<i>Misdemeanors and Lesser Offenses.</i>				
Assault, third degree.....	419	20	6	1
Disorderly conduct (except soliciting and kindred offenses against sexual morality).....	1,419	268	20	21
Non-support.....	1,761	.....	25	.....
Petit larceny or kindred offenses.....	1,214	150	17	11
Prostitution, soliciting or kindred offenses.....	.....	364	.....	29
Public intoxication.....	634	279	9	22
Other misdemeanors and unstated lesser offenses.....	573	123	8	9
<i>Felonies.</i>				
Assault.....	78	3	1	0.2
Burglary.....	181	.....	2	.....
Forgery.....	37	.....	0.5	.....
Grand larceny.....	268	24	3	1
Other and unstated felonies.....	227	5	3	0.4
Total.....	6,811	1,236	.....	.....

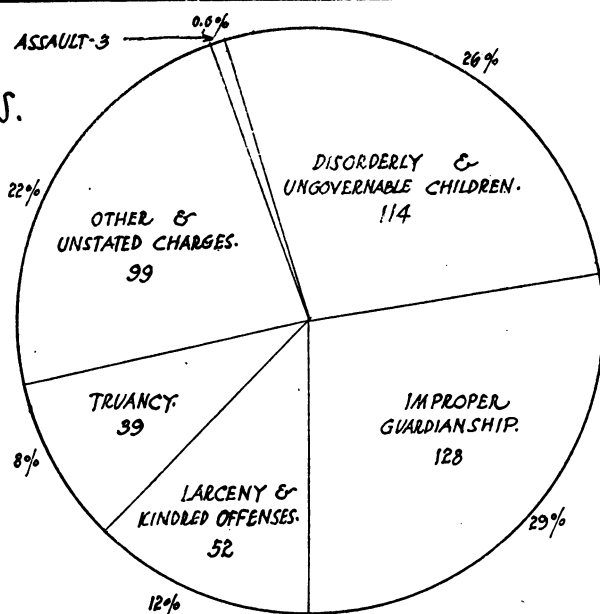
The relative frequency of the different charges among boys and also among girls, men and women, are represented by the diagrams on the next two pages.

BOYS.

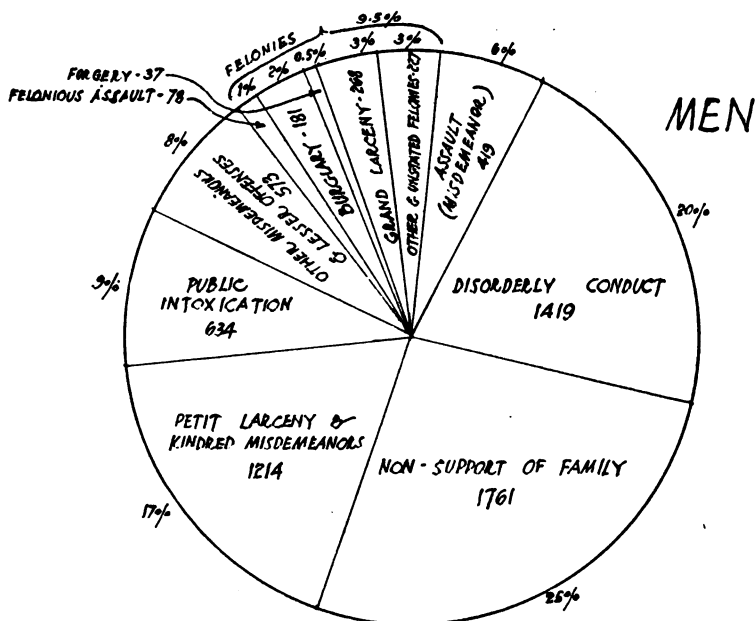


THE OFFENSES FOR WHICH 2187 BOYS WERE PLACED ON PROBATION, SHOWN NUMERICALLY AND BY PERCENTAGES

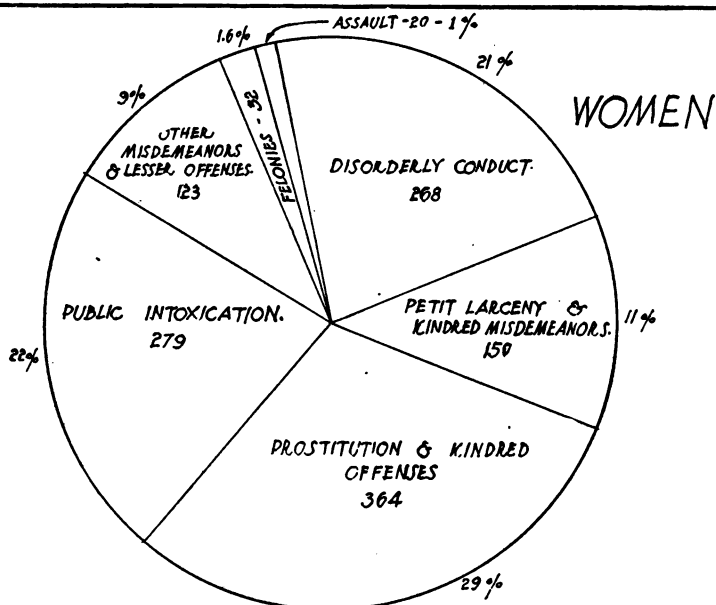
GIRLS.



THE OFFENSES FOR WHICH 435 GIRLS WERE PLACED ON PROBATION. SHOWN NUMERICALLY AND BY PERCENTAGES.



THE OFFENSES FOR WHICH 6811 MEN WERE PLACED ON PROBATION, SHOWN NUMERICALLY AND BY PERCENTAGES.



THE OFFENSES FOR WHICH 1236 WOMEN WERE PLACED ON PROBATION, SHOWN NUMERICALLY AND BY PERCENTAGES.

Persons Passed From Probation, and Results.

During the year, 8,558 persons, of whom 2,560 were children, passed from probationary oversight. The results of the treatment in these cases, as reported by probation officers, were as follows:

PERSONS PASSED FROM PROBATION, AND THE ESTIMATED RESULTS.

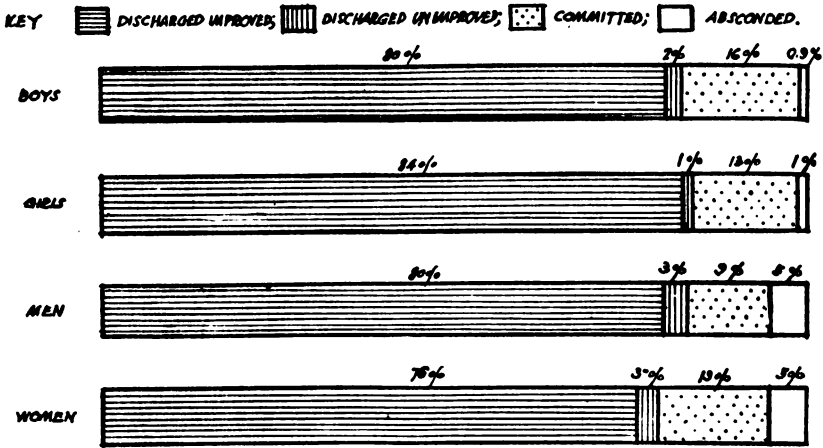
RESULTS.	Boys.	Girls.	Men.	Women.	Total.
Discharged with improvement.....	1,735	297	3,880	758	6,670
Discharged without improvement.....	59	5	174	35	273
Rearrested and committed.....	350	47	477	137	1,011
Removed to other locality with permission of court or probation officer.....	33	6	60	6	105
Absconded or lost from oversight.....	21	4	295	61	381
Other and unstated results.....	3	.....	90	25	118
Total.....	2,201	359	4,976	1,022	8,558

Omitting the cases where the probationers removed to other localities, and those in which the results were not stated, 8,335 cases remain in which probation was reported by probation officers as having been either successful or unsuccessful. The table below gives the reported results in these cases in percentages. (In publishing these estimates the Commission does not vouch for their correctness. In all probability the proportion of successful cases is somewhat over-estimated.)

ESTIMATED RESULTS BY PERCENTAGES IN 8,335 CASES.

	Per cent. boys.	Per cent. girls.	Per cent. men.	Per cent. women.	Per cent. children and adults.
Discharged with improvement.....	80	84	80	76	80
Discharged without improvement.....	2	1	3	3	3
Rearrested and committed.....	16	13	9	13	12
Absconded or lost from oversight.....	0.9	1	5	5	4

The following chart pictures these percentages graphically.



Estimated Results of Probation by Percentages.

Instalment Fines, Restitution, Reparation, Family-Support.

The amount of money collected by probation officers in instalment fines, restitution, reparation and family-support during the past year more than doubled. The increases in these items since statistics began to be collected are indicated in the following table: *

NATURE OF COLLECTIONS.	In 1909.	In 1910.	In 1911.
Instalment fines.....	\$814 75	\$1,583 06	\$3,834 55
Restitution and reparation.....	1,770 45	5,490 44	10,199 76
Family support.....	14,993 66	40,378 30	†84,234 81
Total.....	\$17,578 86	\$47,451 80	†\$98,269 12

While the probation service is not intended as a collection agency, the advantages of having a court direct its probation

* The courts in which these collections were made are shown in Appendix A.

† This does not include \$12,135.85 collected by the department of charities from probationers in the Manhattan Domestic Relations Court.

officer, in appropriate cases, to make collections of these kinds are each year becoming better recognized.

The evils of imprisoning a person because he is unable to pay a fine in full at the time of his conviction, have been frequently pointed out by judges and prison officials. Probation may be used to permit the defendant in such a case to avoid imprisonment through going to work and earning the money with which to pay his fine in instalments.

When probationers are required to make restitution or reparation for the damages or losses caused by their offenses, the purpose is not so much to compensate the aggrieved parties, as to bring about the moral effects that the making of the payments will have on the probationers.

The use of probation for collecting payments from men for the support of their families has been greatly increased during the past two years through the establishment of the domestic relations courts in Buffalo, Manhattan and Brooklyn. Probation has come to be looked upon as by far the most practicable and successful method of dealing with a large proportion of such cases.

Preliminary Investigations.

One of the important duties of probation officers is to investigate the history, character and circumstances of defendants when so requested to do by the court. These investigations are made for the purpose of supplying the judge with information which will be helpful in deciding whether imprisonment, a fine, suspended sentence, or probation, is the most desirable disposition. The number of defendants so investigated during the past year was 15,643.

Most of the cases in which probationary treatment fails are those in which no preliminary investigations have been made. This is especially true as regards probationers who abscond. These investigations should be made in all cases before defendants are released on probation, and the inquiries should be thoroughly made and with great care.

PART III. PRACTICES AND METHODS.**Visits, Inspections and Investigations by the Commission.**

Representatives of the Commission during the past year visited the probation officers, judges and other officials in various courts for the purpose of making inquiries, investigations, suggestions and recommendations, and also of giving practical assistance in organizing or improving the local probation systems.

The most extensive investigation was made in the Buffalo City Court during August and September. It started as an inquiry into the accounts of the chief probation officer who had resigned from office. Evidence was adduced showing defalcations to the amount of about five hundred dollars. The Commission reported its findings to the judges of the City Court, who in turn referred the matter to the district attorney for prosecution. The defendant pleaded guilty and was released under suspended sentence. He had been under bonds, and restitution was made in full.

Before this happened, the Commission had begun to prepare a model accounting system, and shortly afterwards the accounting system was completed and published. After the appointment of the new chief probation officer, the Commission assisted in installing the new system of accounting, which, it is believed, will help to prevent any further trouble of this sort. All moneys in the form of instalment fines, restitution, reparation and family-support are now collected and disbursed by a single officer, who acts as cashier and bookkeeper.

Acting upon the desires of the judges of the Buffalo City Court, the Commission also inquired very carefully into all other phases of probation work in that court. On September 30, the Commission held a special meeting with the judges, at which time it recommended the appointment of additional probation officers, an increase in the salary of the chief probation officer, and certain improvements. The judges requested the appropriations recommended. Since the appointment of the present chief probation officer the probation service has been reorganized in many respects and greatly strengthened.*

* An account of this investigation, and also the recommendations to the judges, are appended.

The Commission would like to make more frequent and more extensive inquiries into the probation work in other jurisdictions, but is unable to do as much as it desires in this direction because of the smallness of its staff of employees. The Commission greatly needs a special field agent and investigator.

New Accounting System.

The inquiries just referred to and also other inquiries have shown the need of better methods of bookkeeping by probation officers in keeping account of money collected from probationers in the form of family-support, restitution and instalment fines, and of a more uniform system of receipts. The importance of this aspect of probation work is indicated by the fact that during the past year the collections for these purposes amounted to over \$98,000. After careful study the Commission has published and furnished to probation officers parallel columned cashbooks, loose-leaf ledgers, and official receipt blanks.

Bonds.

In certain courts the probation officers who collect money from probationers are required to furnish bonds. This is a wise precautionary measure and should be followed wherever probation officers are frequently called upon to make such collections.

Revision of Record and Report System.

Since 1908 the Commission has furnished probation officers with over 200,000 blanks,* on which to keep records and make reports to the judges concerning their cases. Previously, very few probation officers had had suitable forms for these purposes. Owing to the importance of this aspect of probation work, the Commission during the past year, and after much investigation and deliberation, revised and added to its system of blank forms.

The new set of forms, while increased in number and made more comprehensive, will, it is believed, minimize the clerical work of probation officers as much as can be compatible with the orderly, intelligent performance of their duties.

* Over 43,000 forms were supplied in 1911.

One feature of the new record system is a chronological list of probationers, to be kept by the clerks of courts where large numbers of defendants are placed on probation. This list (which is published in book form under the title of a "probation book"), supplemented by the index cards provided by the Commission, will obviate such loose practices as have formerly prevailed in certain courts and which sometimes have made it difficult to ascertain what persons have been placed on probation or remain on probation. The new forms also include a "probation order" to be signed by the judge when placing defendants on probation, and blanks for transferring probationers from one jurisdiction to another. Material improvements have also been made in the forms for reporting preliminary investigations of defendants, for recording the "case histories" of persons on probation, and for making monthly reports to the court.

Manual.

The manual and directory for probation officers, which has been for sometime in course of preparation, is practically completed and will be published very shortly. The manual will give the probation laws with annotations, and also suggestions concerning the general workings of the probation system and the methods recommended to probation officers. The directory will contain the names of probation officers, judges and various other officials, as well as information about the penal and reformatory institutions in the State, and other matters. Preliminary editions of the directory of probation officers and of the directory of magistrates were published during the past year.

The manual will probably be the most exhaustive work of its kind yet published and ought to be of great value to probation officers and others.

Probation Rules.

Many details concerning the use of probation have necessarily and wisely been omitted from the probation laws. It is often desirable, however,—especially in courts having several probation

officers, to have certain details as to procedure and practice provided for by the court through rules and regulations. The Court of Special Sessions of New York, and the Board of City Magistrates of the First Division of New York, have adopted such rules. Following the investigation of the probation work in the Buffalo City Court last summer, the judges of that court requested the Commission to recommend a set of rules for the administration of their probation service. This the Commission was pleased to do, and the rules drafted by the Commission were adopted by the judges. This set of rules, which was purposely made very detailed and comprehensive, is appended.

(As the result of preliminary inquiries during 1911, and acting upon the request of the judge of the newly created Buffalo Children's Court, the Commission early in 1912 prepared a set of probation rules for that court, and also a set of rules and regulations for the management of the Buffalo Juvenile Detention Home. All of these have been approved and promulgated by the judge of the Children's Court. These two sets of rules, as well as recommendations made to the judge of this court, are appended.)

Reducing the Number of Absconders.

During 1911, according to the reports of probation officers, 381 probationers became fugitives. This number represents about 4 per cent. of those who passed from probationary oversight, which, as compared with the statistics for the previous years, is a slight decrease in the proportion of those absconding. The Commission has collected special reports from probation officers concerning probationers reported as absconders, since March 1, 1911. The purpose of these special inquiries has been to find out how this weakness in the probation system may be lessened. The information secured by the Commission will be analyzed and published. It is believed that the observance of certain precautions by courts and probation officers can materially reduce the number of probationers disappearing from the jurisdiction of the courts and otherwise evading supervision.

Probation Officers in Court.

In some courts the probation officers are expected to stay in court practically the entire day. Most of those required to do this are unoccupied the greater portion of the time while in court. Probation officers cannot properly discharge their duties to their probationers, if they are kept in court when they should be outside making inquiries, visiting homes, and doing works of mercy and service.

Office Quarters and Equipment.

Originally, and in many courts still, the probation officers are obliged to hold their interviews and transact their office work either in a corner of the court room or in the office of the judge or clerk of the court. In a few places the highly objectionable practice continues of having the probation officer's headquarters in the police department. Sometimes the probation officers are not provided with even a desk or table. In some instances where desks and filing cabinets have been furnished, they have been without locks; and as a result correspondence and papers of a confidential character have not been properly protected.

During the past year or two, however, the growing recognition of the importance of probation work has led in different places to decided improvements in these regards. Special mention might be made of the offices provided for the probation officers in certain courts in New York city, and in some up-State courts. It is to be hoped that throughout the State the matter of suitable office quarters may receive proper attention.

In some places the offices of the probation officers are located at a distance from the court. Where this is practicable it tends to disassociate the probation office in the public mind from too close a connection with the atmosphere of the criminal court. This is especially desirable if the probation office is used as a place where probationers make personal reports to the probation officer.

Expenses of Probation Officers.

In spite of the fact that the law expressly authorizes the payment of the expenses of probation officers, it is still necessary in many jurisdictions for the probation officers to meet the expenses

incurred by the performance of their official duties, from their own pockets. Such expenses include car fare, telephone messages, telegrams, postage, stationery, note books, and in some instances, office furniture. Inquiry made from the probation officers in the Second Division Board of Magistrates in New York city indicated that they were paying out of their own pockets at the rate of more than \$300 per annum for expenses which should have been paid from city funds. This did not include emergency relief given to probationers and defendants in the form of meals, car fare, medicine, clothes, and so forth.

Where the probation officers are obliged to defray their own expenses they are frequently disposed to omit making inquiries and visits which ought to be made. It is earnestly hoped that for the good of the service, as well as for the sake of the probation officers (most of whom are paid small salaries), appropriations may be made whenever needed for the payment of the legitimate expenses of probation officers.

Since the State conferences of probation officers have proven so beneficial, it is hoped that more courts will be able to arrange for the expenses of their probation officers in attending these conferences.

Selection of Probation Officers Through Examinations.

The last annual report of the Commission referred to the controversy in New York city from the early summer of 1910 through the spring of 1911 as to whether the position of probation officer in the lower courts of that city should be retained in the competitive class of the civil service or be placed in the exempt class. It will be recalled that the attempt to have the position made exempt was encouraged by the fact that the Inferior Courts Act had declared probation officers to be the "confidential" officers of the justices and magistrates. At the time of transmitting our last report to the Legislature the eligible list resulting from the examination originally announced in July 1910, had been promulgated, but no appointments had been made from it because of a writ of mandamus handed down by Supreme Court Justice Crane in the *Matter of Simons vs. McGuire*. This writ, which declared probation officers to be in the exempt class,

was later sustained by the Appellate Division of the Second Department.

During the past summer this case was appealed by Mayor Gaynor, the Municipal Civil Service Commission, and the State Civil Service Commission, to the Court of Appeals. The opinion of the Court of Appeals, which was rendered on January 23, 1912, has had the effect of keeping the position of probation officer in the competitive class despite the declaration of the statute that probation officers are "confidential." The opinion of the Court of Appeals, and also a memorandum submitted in favor of the examination method by a member of the State Probation Commission who appeared as *amicus curiae* before the Court of Appeals, are appended.

As a result of the decision of the Court of Appeals, nearly all of the probation officers who had been given temporary appointments pending the final adjudication of the case have been removed from office, and their successors, numbering about forty, have been chosen from the eligible list. Because the salaries were placed at a lower figure than was originally expected, and because some who took the examination had obtained other positions, the courts in making their selections from the eligible list were unable to secure the services of some who stood near the top of the list and who were admirably qualified for probation work. The appointments that have been made, however, fully sustain the contention made by Mayor Gaynor, the Municipal Civil Service Commission, the State Probation Commission, and the many other organizations and citizens that have held that civil service examinations, conducted in large part orally and allowing proper credit for experience, and conducted with the assistance of persons familiar with probation work, are entirely practicable as a test of the fitness of candidates for probation work.

County Probation Officers.

Since the State Probation Commission began its work in 1907, the number of counties in which the probation system has been used in the Supreme or county court has increased from 2 to 34. Acting under the authority of a law passed in 1909, 18 counties now have county probation officers appointed by the county judge

and salaried by the board of supervisors. These county probation officers are empowered to serve not only in the county court, but also in the Supreme Court and in the courts of all towns, villages and third-class cities in their respective counties. In one county, the county probation officer served during the year ending October 31, 1911, in 12 courts and under 20 different judges. As pointed out in our previous reports, as well as in a pamphlet entitled "County Probation Officers," the most feasible plan of applying the probation system in most counties is through the employment of one or more county probation officers.

During the past year, 1,228 defendants were placed on probation in the Supreme and county courts. Of this number, 823 were convicted of felonies. The accumulating experience had in dealing with felons through probationary measures shows that a considerable proportion of the defendants convicted of felonious crimes are fully as amenable to the restraining and reforming influences of probation as are misdemeanants, provided proper care is exercised in selecting those to be placed on probation and suitable persons are appointed probation officers.

It is especially gratifying to observe the steady increase in the number of persons put on probation from year to year in towns and villages. The number so dealt with during the past year was 280. The squalor and depravity occasionally found in family life in country districts, as well as the general social conditions in rural communities, are often strongly conducive to the development of delinquency. Nowhere is there such a dearth of preventive and corrective agencies. There is need of a salaried probation officer in every county in the State.

Benefits of Probation Conferences.

The fourth annual State conference of probation officers was held at Watertown on October 17 and 18, with an attendance of about forty probation officers. These conferences, called for the discussion of methods and results, have proven extremely valuable in stimulating the adoption of the most improved and more uniform methods in different courts, and a spirit of coöperation

among probation officers in different parts of the State. The following extract from the program of the first session at Watertown indicates the nature of the subjects discussed:

1. Should the probationary treatment of boys vary according to their age; if so, how?
2. How much, as a rule, is the conduct of a boy probationer influenced by his "gang?" What should be the attitude of a probation officer toward the "gang" to which boy probationers belong?
3. How closely should a probation officer keep informed concerning the daily life of boy probationers?
4. Should boys be placed under the probationary care of women officers?
5. What should a probation officer do to insure that boy probationers have wholesome evening recreation, and that they are not out late at night?
6. What kind of reading is most beneficial for boy probationers?
7. What kinds of employment are most beneficial, and what kinds are most harmful, for boy probationers?
8. To what extent should a probation officer instruct and seek to influence boy probationers with reference to personal hygiene and sanitation in the home?
9. How can boys addicted to cigarette smoking be induced to give up the habit?

The next State conference of probation officers will be held in Syracuse during November 1912.

For the benefit of probation officers in New York city, the Commission also conducted a series of twelve conferences in Manhattan and Brooklyn during April and May. Addresses were made by representatives of the Commission, judges, probation officers, and a number of other persons, and the latter part of each meeting was devoted to informal discussion. The meetings had an average attendance of 47. The success of the New York city conferences has induced the Commission to arrange for a similar series of meetings during 1912.

The programs and the proceedings of these conferences are appended.

State Association of Magistrates.

The annual State gathering of magistrates, which has developed out of the conference of magistrates originally convened by this Commission in 1909, has grown from year to year in both interest and importance. The third meeting held in Albany on December 9, 1911, brought together 35 magistrates represent-

ing the courts of 21 cities, 7 villages, 2 towns and one county court, besides 21 other persons interested in the subjects discussed. The by-laws of the organization were amended so as to change its name to the New York State Association of Magistrates. Chief Magistrate Otto Kempner of the Board of Magistrates of the Second Division of New York city was elected president for the ensuing year, and the secretary of the State Probation Commission was continued as secretary-treasurer.

The topics considered at the meeting in December pertained to the detection and treatment of mentally defective delinquents; the treatment of delinquents in institutions; pleading to lesser offenses than those originally charged; public prosecutors in police courts; illegal train-riding and other offenses against railroads; the work of interpreters, and other subjects. The program, the addresses and an account of the actions of the conference are appended.

Joint Conference on Legislation.

As the result of a suggestion made at the conference of magistrates, a general conference to consider needed legislation in the field of correctional work was held in New York city on December 22, with representatives present from the State Board of Charities, the State Commission of Prisons, the State Department of Prisons, the office of the Fiscal Supervisor of State Charities, the State Probation Commission, the State Conference of Charities and Correction, the State Charities Aid Association, the Prison Association of New York, the National Prison Labor Committee, and the State Association of Magistrates. This joint conference adopted the following resolutions:

1. *Resolved*, That it be recommended that the State Legislature make provision for a State reformatory for male misdemeanants between the years of 16 and 21, where such males may be committed on indeterminate sentences and where they may be properly trained and educated.

2. *Resolved*, That it be recommended that State custodial institutions be established, one for males and one for females, for the treatment of feeble-minded persons convicted of crime, together with some form of preliminary institution to serve as

a testing house, in order to determine if persons charged with crime are, or are not, mentally defective.

3. *Resolved*, That it be recommended that the county penitentiaries which now take persons from many counties, and thus are really doing State work, should be superseded by institutions under the management and control of the State.

4. *Resolved*, That it be recommended that the Legislature make the necessary appropriations for the completion of the New York State Training School for Girls at Hudson, with a capacity for five hundred inmates, and for the erection of another girls training school of similar capacity to be located in the western section of the State.

5. *Resolved*, That it be recommended that a system be established providing for the coördinating of the work of parole officers and probation officers, having the following particular objects in view:

(1) The confinement, so far as practicable, of the work of individual parole officers connected with public penal and reformatory institutions to smaller areas.

(2) The more frequent use of the same parole officers in supervising persons paroled from different institutions to the same localities.

(3) The greater use of probation officers in supervising persons on parole.

(4) The general oversight by the State Probation Commission of parole officers and others supervising paroled persons.

6. *Resolved*, That it be recommended that this Conference favor the appropriation by the Legislature of 1912 of a sum sufficient to provide for the erection of several buildings necessary for the opening of the State Industrial Farm Colony at the earliest possible moment.

7. *Resolved*, That it be recommended that the resolutions hitherto adopted advocating the establishment of a reformatory for male misdemeanants between 16 and 21 years of age and for the completion of the State Training School for Girls at Hudson, take preference over all other resolutions in case it becomes necessary for a preference.

8. *Resolved*, That it be recommended that in the opinion of this Conference, the institutions recommended in the preceding resolutions are so urgently needed by the State, that if the necessary funds cannot be provided from current revenue, an issue of long term bonds should be provided for.

Parole Oversight of Persons Released From Institutions.

Since the above recommendations relate in part to the employment of probation officers in looking after persons paroled from institutions it is of interest to consider the present means of parole oversight.

The following table shows the number of persons released on parole from public penal and reformatory institutions during the five years ending September 30, 1911, and also the number of salaried parole officers attached to each such institution on September 30, 1911.

Parole Statistics.

INSTITUTIONS.	NUMBER OF PERSONS PAROLED DURING THE YEARS ENDING SEPTEMBER 30, 1907, 1908, 1909, 1910 and 1911.					Number of parole officers holding office on September 30, 1911.
	1907.	1908.	1909.	1910.	1911.	
PRISONS.						
Auburn (men)	100	112	127	187	205	} 1 1 1
Auburn (women)	13	12	13	30	28	
Clinton	97	110	145	150	179	
Sing Sing	142	163	247	382	387	
Great Meadow					33	
Total	352	397	532	740	832	
STATE REFORMATORIES FOR MEN.						
Elmira	1,047	876	1,097	1,035	750	(Use private agencies and police offi- cials.)
Napanoch	146	135	354	354	287	
Total	1,193	1,011	1,451	1,389	1,037	
STATE INSTITUTIONS FOR WOMEN AND CHILDREN.						
Hudson	46	70	81	111	69	2
Industry	378	316	376	433	357	4
Randall's Island	421	389	538	533	455	5
Bedford	82	102	99	114	140	1
Albion	118	90	77	106	96	1
Total	1,045	967	1,171	1,297	1,117	
Grand Total	2,590	2,375	3,154	3,435	2,986	16

Elmira and Napanoch reformatories have never used traveling parole officers, but rely for the needed parole oversight entirely upon persons residing in the vicinity of the paroled inmates. Men paroled from these two reformatories to live in New York city are usually placed under the supervision of agents of the

Prison Association, and those paroled to Buffalo are put under the oversight of an agent of the Charity Organization Society of that city. The men paroled to other parts of the State are usually placed under the surveillance of local police authorities.

Except in the cases of Elmira and Napanoch reformatories, each institution referred to in the above table, on the date named, had one or more traveling parole officers serving for that particular institution. There were sixteen such traveling officers. It is desirable to have the institutions keep in as close and sympathetic touch as possible with their paroled inmates, because the institutional authorities are familiar with the history, habits and proclivities of those paroled by them, and because the institutional authorities derive benefit from being able to observe the after-effects of the institutional treatment. The work done by these traveling parole officers is, therefore, highly important, but the closeness and effectiveness of their oversight of those on parole probably varies more or less according both to the numbers under their care, and to the areas which the different parole officers are obliged to cover. The persons on parole, as a rule, are widely scattered in point of residence, and therefore the parole officers are usually compelled to travel over a wide territory, embracing, in some instances, the entire State. This means that the traveling parole officers can usually see those on parole only at infrequent intervals.

Advantages of Using Local Officers for Parole Oversight.

In some instances boards of parole and boards of managers of the institutions have supplemented the work of their traveling officers by requesting persons in different places to assist in looking after and aiding paroled inmates living in such places. Where traveling institutional officers are employed it is very helpful to be able to utilize the supplementary services of properly qualified persons residing near those on parole for such purposes. The local persons who have been requested to render such assistance have included agents of private societies, probation officers, and various other persons.

The use of local workers has these advantages:

1. A local person can see those on parole more often than can a traveling officer.
2. A local person usually knows more about local conditions and is better able to secure reliable information from different persons in the community.
3. A local person is usually better able to establish friendly relations with those on parole, and to aid them in securing employment and in other ways.
4. A local person can usually discover and deal with misconduct and other violations of the parole more promptly and intelligently.

The present number of parole officers employed by the State is recognized as altogether inadequate. It seems unlikely that the State will employ in the near future enough local workers to provide the requisite oversight, and it is equally improbable that a sufficient force of workers can be secured through private sources. In localities where the number of parole cases is large it may be found practicable to employ special resident parole officers to devote their entire time to parole cases. In some places it may also be possible to depend on private organizations for the needed oversight. In other places, however, it would seem desirable to utilize the services of the local probation officers. It should of course remain discretionary with the paroling boards as to what persons or agencies they shall request to exercise the oversight.

Use of Probation Officers in Overseeing Persons Paroled From Institutions.

The recommendations, adopted by the joint conference of December 22 and quoted above, in so far as they relate to the utilization of probation officers for looking after persons paroled from institutions, repeat the recommendations made last year by the State Commission of Prisons, and by Commissioners William Church Osborn and George E. Van Kernen, who were appointed by Governor Dix to investigate the State Department of Prisons.* The State Conference of Charities and Correction which met in Watertown in October, 1911, adopted a resolution along similar lines.

* The recommendations of the Prison Commission were printed on pages 75-78 of its report for 1910; and its recommendations are renewed in its report for 1911. The recommendations by the commissioners appointed by Governor Dix to investigate the State Department of Prisons are found on pages 14-16 of their preliminary report, dated June 9, 1911.

As pointed out by the Prison Commission and also by Commissioners Osborn and Van Kennen, the purposes and methods of probation and parole have much in common. Probation is a system of oversight and reformation applied to offenders without commitment to a penal or reformatory institution, while parole is a similar system applied after release from such an institution. Both probation and parole officers are expected to look after the persons under their care, and to aid them in becoming law-abiding, industrious members of society. The qualifications necessary for a good probation officer are equally as essential in a parole officer.

An amendment to section 11-a of the Code of Criminal Procedure, enacted in 1910, authorizes probation officers to exercise oversight over persons paroled from institutions, when requested so to do by the paroling authorities. Since the enactment of this provision, a number of probation officers have accepted the oversight of persons assigned to their care from the State training schools for children and from prisons and other institutions for adults.

The best test of the practicability of using probation officers in parole cases will be experience. The outcome of experimenting will naturally be dependent on many circumstances. Before large numbers of persons can wisely be paroled under the care of probation officers, there must be a decided increase in the number of probation officers, particularly of salaried probation officers. Some cities and counties are still without any probation service. In certain jurisdictions the probation officers are so overworked with their regular probation cases that they ought not to be expected to undertake the additional duties of supervising parole cases. In other places the probation officers may be unfitted, by reason of their sex or other facts, for dealing effectively with certain classes of parole cases. For some time to come it will therefore be necessary for institutional authorities to be somewhat conservative about paroling persons under probation officers.

If the outcome of the oversight of parole cases by probation officers proves satisfactory — and we believe it will — this fact will tend to encourage the appointment by local authorities of additional probation officers, both salaried and volunteer, and

both male and female, who can be used in looking after parole cases. Owing to the importance of the parole system, and owing to the fact that it is often desirable to place paroled persons under the care of probation officers, it seems important to test and develop so far as may be practicable the judicious use of probation officers in connection with parole work.

Private Societies.

We desire to call attention to the highly valuable service rendered by local probation associations and other private organizations in promoting and aiding both probation and parole work. A number of these organizations provide friendly oversight and help for persons placed on probation and paroled from institutions. In New York city, for instance, mention may be made of the New York Probation Association, the Brooklyn Juvenile Probation Association, the Juvenile Probation Association of the Borough of Richmond, the Prison Association, the Jewish Protectory and Aid Society, the Catholic Protective Society, the Children's Court Committee of Catholic Women in Manhattan, the Children's Court Committee of the Women's Clubs of Brooklyn, the Protestant and the Jewish Big Brothers, and the Protestant and the Jewish Big Sisters. Each of these organizations, except two, maintains one or more paid workers in connection with its court work. The work of private societies of these kinds is important and should be encouraged.

Mentally Defective Delinquents.

The past two or three years have developed an unusual interest in the problem of the mentally defective delinquent. Attention has been called as never before to the large proportion of inmates of correctional institutions who are mentally subnormal or abnormal. It is stated, for instance, that between 30 and 40 per cent. of the prisoners in Elmira reformatory belong to these classes. Certain psychological tests—especially the so-called Binet test and modifications thereof—have been used in a number of institutions and courts to test the mental development of delinquents. It is found that despite appearances to the contrary, children in their teens are often no further developed than

the average child of six or seven years, and that some adults who are chronologically twenty or thirty years of age are mentally no more than seven or eight years old. These persons, usually the offspring of a tainted heredity, are incapable of recognizing or fully appreciating the normal distinctions between right and wrong, and of withstanding temptation. They naturally fall into the category of the repeater, the rounder, the recidivist.

Some persons placed on probation are found to be mentally defective. It is highly important that the courts and probation officers should be able to discover as early as possible the mental capacity and characteristics of defendants and probationers. In some courts physicians, alienists and psychologists are requested to make examinations in suspected cases. Such examinations should be made in every case where there is reason to believe that the defendant may be defective.

Owing to the hereditary character of feeble-mindedness, epilepsy, and allied conditions, the State should do as much as possible to detect and treat those defectives who are susceptible of improvement, and to provide humane custodial care for those whom it would be dangerous to allow to remain at large lest they procreate their kind.

The State Probation Commission takes this opportunity to express its appreciation of the assistance and courtesies extended to it by various officials, departments, organizations, the press, and other persons during the past year.

Respectfully submitted,

HOMER FOLKS,
President.

Attest: ARTHUR W. TOWNE, *Secretary.*

APPENDIX A—STATISTICS.

TABLE 1.—PERSONS PLACED ON PROBATION.

2.—OFFENSES OF THOSE PLACED ON PROBATION.

3.—RESULTS OF PROBATION.

4.—INVESTIGATIONS OF DEFENDANTS.

5.—COLLECTION OF MONEYS.

6.—PROBATION OFFICERS.

TABLE 1A.—BOYS PLACED ON PROBATION DURING 1911.

COURTS.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Month un-stated.	Total.
Albany Police.....	4	.....	4	7	3	4	3	.....	3	5	6	4	.....	43
Amsterdam Recorder's.....	.....	.....	.....	2	.....	.....	1	.....	3	9	2	2	.....	19
Babylon Recorder's.....	1	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	2
Buffalo City.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
Buffalo Children's.....	34	33	36	19	52	28	18	23	30	22	45	29	.....	369
Cohasset Recorder's.....	.....	.....	.....	.....	2	.....	.....	.....	3	5	4	.....	9	23
Dunkirk Municipal.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	6
Elmira Recorder's.....	.....	.....	.....	.....	.....	.....	6	1	.....	.....	.....	.....	.....	7
Fulton Police.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Glensville Recorder's.....	2	1	.....	1	2	3	.....	.....	.....	2	2	1	.....	14
Hudson City.....	2	3	.....	2	1	.....	.....	.....	.....	.....	.....	.....	.....	14
Ithaca City.....	.....	.....	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Johans town Recorder's.....	2	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	18
Kingston Recorder's.....	.....	.....	.....	.....	.....	.....	.....	3	.....	4	.....	6	.....	13
Mount Vernon City.....	.....	.....	6	5	1	5	6	3	3	.....	3	4	.....	7
Newburgh Recorder's.....	1	2	1	.....	.....	6	.....	1	.....	.....	3	3	.....	30
New Rochelle Special Sessions.....	1	1	1	.....	1	.....	.....	.....	1	2	.....	1	.....	11
New York City Children's, New York county.....	.....	.....	16	26	32	29	13	6	17	19	7	16	.....	181
New York City Children's, Kings county.....	40	60	56	68	98	51	54	82	31	50	57	69	.....	716
New York City Children's, Queens county.....	2	.....	2	8	11	2	4	4	9	7	13	15	.....	78
New York City Children's, Richmond county.....	.....	.....	7	10	3	9	5	10	5	7	4	14	.....	75
Niagara Falls Police.....	.....	1	.....	2	.....	.....	.....	2	.....	.....	.....	2	.....	8
Oswego Recorder's.....	.....	.....	1	.....	.....	.....	1	2	2	1	.....	.....	.....	7
Plattsburg City.....	1	2	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	6
Rome City.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	9
Schenectady Police.....	6	1	3	3	1	5	1	14	6	8	2	.....	.....	62
Schenectady Special Sessions.....	5	1	2	2	10	3	12	7	1	3	8	5	.....	59
Syracuse Police.....	8	4	4	13	8	1	3	1	3	1	11	6	.....	62
Troy Police.....	7	3	5	10	4	1	2	1	17	18	6	6	.....	86
Utica City.....	.....	.....	2	1	.....	1	1	.....	4	.....	.....	2	.....	7
Watertown City.....	2	2	3	.....	2	2	.....	7	.....	.....	.....	1	.....	22
Watervliet Recorder's.....	7	3	9	3	5	10	5	2	6	15	9	6	.....	80
Yonkers Special Sessions.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total for cities.....	127	121	165	185	239	169	135	169	149	181	190	200	17	2,047

IN TOWNS AND VILLAGES.													
Chemung county.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Erie county.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Niagara county.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Oneida county.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Saratoga county.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Schenectady county.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Suffolk county.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Albion.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Batavia.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Haverstraw.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Norwich.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Saratoga Springs.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Total for towns and villages.....	4	4	4	4	4	4	4	4	4	4	4	4	4
Country Court.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Monroe, Children's Part.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Total for counties.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Grand total.....	132	122	172	198	243	177	148	182	160	196	192	214	2,187

TABLE 1B.—GIRLS PLACED ON PROBATION DURING 1911.

COURTS.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Month un-stated.	Total.
IN CITIES.														
Albany Police.....	1	3	3	6	3	1	1	1	1	1	5	2	1	8
Buffalo Children's.....	1	3	3	6	3	1	1	1	1	3	5	1	1	28
Cohoes Recorder's.....	1	3	3	6	3	1	1	1	1	3	5	1	1	33
Dunkirk Municipal.....	1	3	3	6	3	1	1	1	1	3	5	1	1	33
Hudson City.....	1	3	3	6	3	1	1	1	1	3	5	1	1	33
Mount Vernon City.....	1	3	3	6	3	1	1	1	1	3	5	1	1	33
Newburgh Recorder's.....	1	3	3	6	3	1	1	1	1	3	5	1	1	33
New Rochelle Special Sessions.....	1	3	3	6	3	1	1	1	1	3	5	1	1	33
New York City Children's, New York county.....	3	9	10	10	10	33	18	12	25	36	13	26	1	183
New York City Children's, Kings county.....	3	9	10	12	11	20	16	15	8	5	12	7	1	128
New York City Children's, Queens county.....	3	9	10	12	11	20	16	15	8	5	12	7	1	144
New York City Children's, Richmond county.....	3	9	10	12	11	20	16	15	8	5	12	7	1	144
Niagara Falls Police.....	1	1	1	1	1	1	1	1	1	1	1	1	1	3
Oswego Recorder's.....	1	1	1	1	1	1	1	1	1	1	1	1	1	6
Plattsburgh City.....	1	1	1	1	1	1	1	1	1	1	1	1	1	13
Rome City.....	1	1	1	1	1	1	1	1	1	1	1	1	1	13
Schenectady Police.....	2	2	2	2	2	2	2	2	2	2	2	2	2	18
Schenectady Special Sessions.....	2	2	2	2	2	2	2	2	2	2	2	2	2	18
Syracuse Special Sessions.....	2	2	2	2	2	2	2	2	2	2	2	2	2	18
Troy Police.....	1	1	1	1	1	1	1	1	1	1	1	1	1	10
Utica City.....	1	1	1	1	1	1	1	1	1	1	1	1	1	10
Watertown City.....	1	1	1	1	1	1	1	1	1	1	1	1	1	10
Yonkers Special Sessions.....	1	1	1	1	1	1	1	1	1	1	1	1	1	10
Total for cities.....	8	17	20	35	32	66	42	34	42	48	37	42	1	424
IN TOWNS AND VILLAGES.														
Village in Nassau county.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Town in Warren county.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Batavia.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Total for towns and villages.....	1	1	1	1	1	1	1	1	1	1	1	1	1	4
COUNTY COURTS.														
Chenung.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Monroe, Children's Part.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Total for county courts.....	1	1	1	1	1	1	1	1	1	1	1	1	1	7
Grand total.....	9	17	22	35	33	66	44	37	42	48	37	42	3	435

* Placed on probation upon appeal.

TABLE 1C.—MEN PLACED ON PROBATION DURING 1911.

COURTS.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Month un- stated.	Total.
COURTS.														
IN CITIES.														
Albany Police.....	2	2	1	3	.....	.....	.....	.....	2	8	2	11	.....	12
Amsterdam Recorder's.....	.....	.....	.....	.....	.....	.....	.....	.....	4	4	3	3	.....	26
Auburn Recorder's.....	1	2	5	.....	4	2	1	4	5	3	2	2	.....	31
Buffalo City.....	56	56	97	96	71	61	52	42	65	90	82	78	.....	846
Cortland City.....	.....	.....	.....	.....	.....	.....	3	1	.....	.....	.....	.....	6	8
Dunkirk Municipal.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
Elmira Recorder's.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Gloversville Recorder's.....	3	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	16
Ithaca City.....	4	3	3	6	3	2	3	5	3	1	2	4	.....	34
Jameson City Police.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	2
Kingston Recorder's.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Lackawanna City.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
Middletown Recorder's.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Mount Vernon City.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Newburgh Recorder's.....	.....	1	1	3	1	.....	2	4	5	2	2	2	.....	23
New Rochelle Special Sessions.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
New Rochelle Board of Magistrates, First Division.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
New Rochelle Board of Magistrates, Second Division.....	51	53	60	73	53	75	127	120	141	118	116	143	.....	1,130
New York City Special Sessions, Manhattan and the Bronx.....	133	113	132	136	168	178	170	140	209	175	163	168	.....	1,875
New York City Special Sessions, Brooklyn, Queens and Richmond.....	65	47	67	62	56	94	33	23	34	28	54	53	.....	616
Niagara Falls Police.....	32	28	30	30	38	35	23	30	22	23	18	15	.....	324
Oswego Recorder's.....	.....	.....	2	3	.....	1	2	.....	.....	.....	.....	.....	.....	11
Plattsburgh City.....	3	3	.....	.....	.....	.....	1	2	.....	.....	.....	.....	.....	10
Poughkeepsie City.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	10
Rochester Police.....	23	11	21	9	4	13	18	19	8	13	17	19	.....	195
Rome City.....	2	2	2	4	1	4	5	5	4	6	1	2	.....	38
Schenectady Police.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Syracuse Special Sessions.....	23	10	14	8	10	11	10	11	6	5	6	3	.....	117
Troy Police.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
Utica City.....	12	5	8	8	10	11	7	4	8	9	13	12	.....	107
Watertown City.....	.....	1	.....	.....	.....	.....	3	1	.....	.....	.....	.....	.....	8
Watervliet Recorder's.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Yonkers Special Sessions.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	42
Total for cities.....	421	343	451	444	448	492	470	427	528	491	492	513	7	5,527

TABLE 1C.—MEN PLACED ON PROBATION DURING 1911 — *Concluded.*

COURTS.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Month un-stated.	Total.
IN TOWNS AND VILLAGES.														
Chemung county.....	1	1				1		1	1					1
Clinton county.....												2		2
Erie county.....											1			1
Fulton county.....												1		1
Montgomery county.....						1	1	6	3	5	3			19
Niagara county.....	3		5	5	4	6	8							49
Oneida county.....										1				1
Rensselaer county.....														
Saratoga county.....		1						1	2	1	1			7
Schenectady county.....			1	1				1						2
Warren county.....					1									1
Yates county.....	1													1
Albion.....														
Batavia.....														
Haverstraw.....													2	2
Newark.....				1									1	1
Norwich.....														
Saratoga Springs.....	3	2		3	10	8	10	7	2	7	2	5		60
Total for towns and villages.....	8	4	6	10	15	16	20	16	12	14	9	14	23	167
SUPREME AND COUNTY COURTS.														
Albany Supreme and County.....		1		1		6				3				24
Broome Supreme.....						2	1							3
Cayuga Supreme and County.....		1			1	1								3
Chautauque Supreme.....						1								1
Chemung County.....									2					2
Chemungo Supreme.....	1			1										2
Clinton Supreme.....													1	1
Cortland County.....														
Delaware County.....					1									
Erie Supreme and County.....	9	23	14	26	8	17	4	1	27	23	9	28	1	189
Essex Supreme and County.....	2					1	1			1				4
Fulton Supreme and County.....					1							1		2
Greene Supreme and County.....														
Lewis County.....									2		5			7
Monroe County.....		8	1	1		3	2			5		1		26
Montgomery County.....		1												1

New York Supreme and General Sessions...	57	49	42	48	92	55	55	56	45	49	72	73	...	...	691
Oneida Supreme and County	1	7	1	6	4	2	2	...	...	4	2	9	...	...	29
Onondaga Supreme and County	...	...	2	5	...	3	...	...	...	...	4	6	...	...	27
Ontario Supreme	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1
Oswego Supreme and County	...	4	...	...	2	...	...	...	1	3	8	...	...	...	19
Otsego County	...	...	...	...	...	1	...	...	1	...	...	...	...	...	2
Queens County	...	...	...	...	...	...	...	...	...	...	...	...	22	...	22
Rensselaer Supreme and County	...	3	...	...	...	...	...	...	...	...	...	4	...	...	9
Richmond County	1	...	1	1	...	...	...	...	...	...	...	...	...	...	1
St. Lawrence County	1	1	...	...	...	3	...	...	...	...	1	...	...	...	6
Saratoga Supreme and County	...	...	...	...	...	4	...	...	...	...	2	...	...	...	6
Seneca County	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1
Steuben Supreme	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1
Suffolk County	1	...	...	...	...	...	...	...	...	...	...	...	...	...	1
Warren Supreme and County	...	2	...	...	...	3	...	...	...	1	5	2	...	...	4
Westchester County	1	4	4	4	...	...	2	...	2	1	...	...	...	...	9
Wyoming County	...	...	...	...	...	...	...	...	...	1	...	...	...	...	16
Total for Supreme and county courts...	74	115	65	81	109	104	66	57	80	92	108	139	27	...	1,117
Grand total.....	503	462	522	535	572	612	556	500	620	597	609	666	57	...	6,811

TABLE 1D.—WOMEN PLACED ON PROBATION DURING 1911.

COURTS.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Month un-stated.	Total.
IN CITIES.														
Albany Police	...	1	...	...	1	1	2	1	6	...	1	3	...	16
Amsterdam Recorder's	...	...	...	...	...	...	...	...	...	...	...	...	...	1
Buffalo Recorder's	...	...	...	...	...	...	...	...	...	...	...	...	...	3
Buffalo City	8	2	6	2	4	2	...	...	2	...	7	6	...	43
Gloversville Recorder's	...	...	1	...	...	...	...	...	...	...	...	...	...	1
Ithaca City	2	...	...	2	...	...	...	...	...	...	...	...	...	1
Ithaca City Police	...	...	1	...	...	...	...	...	...	...	...	...	...	1
Kinross Police	...	...	1	...	...	...	...	...	...	...	...	...	...	1
Kinross Recorder's	...	...	1	...	...	...	...	...	...	...	...	...	...	1
Mount Vernon City	...	1	1	1	...	...	...	1	...	...	...	1	...	2
New York City, Board of Magistrates, First Division	...	...	...	...	...	...	...	...	...	...	...	...	...	2
New York City, Board of Magistrates, Second Division	53	31	31	44	44	22	35	58	48	44	35	59	...	504
New York City Special Sessions, Manhattan and the Bronx	29	24	26	27	37	28	33	31	32	31	45	23	...	366
New York City Special Sessions, Brooklyn, Queens and Richmond	10	9	3	9	9	11	7	3	4	3	12	6	...	86
Plattsburgh City	3	3	5	1	4	4	3	2	2	2	2	...	...	31
Poughkeepsie City	2	...	1	2	1	...	...	...	...	...	...	...	...	1
Rochester Police	1	1	4	1	4	3	4	3	3	4	5	5	...	6
Rome City	...	...	...	1	...	...	1	...	...	...	3	...	...	39
Schenectady Police	...	1	1	5	3	...	...	...	1	...	1	...	...	5
Syracuse Special Sessions	1	1	1	...	3	4	2	...	3	...	...	...	...	2
Troy Police	...	...	1	1	...	...	1	6	...	...	...	...	...	21
Utica City	4	1	1	1	3	1	1	1	...	...	2	2	...	20
Watertown City	...	1	...	...	...	...	...	...	...	...	...	...	...	3
Yonkers Special Sessions	2	...	...	...	...	...	...	...	...	...	...	...	...	3
Total for cities	115	75	82	97	110	77	89	105	103	91	113	106	...	1,163
IN TOWNS AND VILLAGES.														
Clinton county	...	1	...	...	...	...	...	...	...	...	...	...	...	1
Oneida county	...	...	...	...	...	...	1	...	...	...	...	1	...	3
Saratoga county	...	...	...	...	1	...	...	1	...	...	...	...	...	3
Haverstraw	...	...	...	...	...	...	...	...	...	...	...	...	7	7

[illegible]

TABLE 2A.—CLASSIFICATION OF CHARGES AGAINST BOYS PLACED ON PROBATION DURING 1911.

COURTS.	Assault.	Burglary or robbery.	Disorderly or unruly child.	Improper guardianship.	Larceny or kindred offenses.	Malicious mischief, breach of peace or disorderly conduct.	Tuancy.	Other and unstated charges.	Total.
IN CITIES.									
Albany Police.....	4	4	4	.....	27	.....	1	3	43
Amsterdam Recorder's.....			3	.....	9	.....	6	.....	19
Auburn Recorder's.....			1	.....	.....	.....	1	.....	2
Binghamton City.....							3	.....	6
Buffalo Children's.....	8	66	16	3	158	19	82	17	369
Cohoes Recorder's.....			1	.....	1	1	20	.....	23
Dunkirk Municipal.....					2	.....	.....	6	8
Elmira Recorder's.....		7	.....	.....	.....	.....	.....	.....	7
Fulton Police.....									2
Gloversville Recorder's.....		2	2	.....	7	.....	1	2	14
Hudson City.....									2
Ithaca City.....									10
Johnstown Recorder's.....									13
Kingston Recorder's.....			2	.....	5	.....	1	.....	8
Mount Vernon City.....			4	.....	7	.....	3	.....	10
Newburgh Recorder's.....		0	.....	.....	.....	.....	.....	.....	12
New Rochelle Special Sessions.....			2	.....	3	.....	.....	.....	7
New York City Children's, New York county.....	6	4	8	.....	11	.....	.....	.....	39
New York City Children's, Kings county.....	44	139	199	99	186	31	25	30	181
New York City Children's, Queens county.....		3	17	35	23	92	30	21	716
New York City Children's, Richmond county.....		4	3	3	29	15	9	15	72
Niagara Falls Police.....		2	4	1	1	14	4	15	72
Ontario Recorder's.....	2	.....	.....	2	.....	.....	.....	.....	9
Patterson City.....									7
Rome City.....			3	1	.....	.....	.....	.....	6
Schenectady Police.....			9	.....	.....	.....	.....	.....	9
Schenectady Special Sessions.....		1	12	.....	29	.....	.....	2	63
Syracuse Special Sessions.....		3	12	.....	38	.....	9	9	59
Troy Police.....		14	8	2	.....	.....	.....	.....	62
Utica City.....	1	.....	1	.....	18	15	17	.....	62
Watertown City.....		3	2	.....	.....	.....	47	15	86
Watertown Recorder's.....			2	.....	.....	.....	.....	.....	7
Watervliet Recorder's.....			1	.....	16	.....	.....	1	22
Yonkers Special Sessions.....		7	10	.....	32	.....	26	3	80
Total for cities.....	73	265	314	115	590	218	299	164	2,047

IN TOWNS AND VILLAGES.					
Chester county.....	.....	.....	.....	.....	.....
Erie county.....	.....	.....	.....	.....	.....
Niagara county.....	.....	.....	.....	.....	.....
Oneida county.....	.....	.....	.....	.....	.....
Saratoga county.....	.....	.....	.....	.....	.....
Schenectady county.....	.....	.....	.....	.....	.....
Stutts county.....	.....	.....	.....	.....	.....
Albion.....	.....	.....	.....	.....	.....
Ratava.....	.....	.....	.....	.....	.....
Haverstraw.....	.....	.....	.....	.....	.....
Norwich.....	.....	.....	.....	.....	.....
Saratoga Springs.....	.....	.....	.....	.....	.....
Total for towns and villages.....	.....	.....	.....	.....	.....
COUNTY COURT.					
Monroe, Children's Part.....	.....	.....	.....	.....	.....
Total for county court.....	.....	.....	.....	.....	.....
Grand total.....	.....	.....	.....	.....	.....

TABLE 2B.—CLASSIFICATION OF CHARGES AGAINST GIRLS PLACED ON PROBATION DURING 1911.

COURTS.	Assault.	Burglary.	Disorderly or ungov- erned child.	Improper guardian- ship.	Larceny or kindred offenses.	Malicious mischiefs, breach of peace or disorderly conduct.	Tuancy.	Other and unstat- ed charges.	Total.
IN CITIES.									
Albany Police.....			4	1	.....	.....	3	.....	8
Buffalo Children's.....			6	2	10	.....	10	.....	28
Cohoes Recorder's.....			1	1	.....	.....	.....	1	3
Dunkirk Municipal.....					2	.....	.....	.....	2
Hudson City.....					2	.....	1	.....	3
Mount Vernon City.....			4	.....	.....	.....	.....	.....	4
Newburgh Recorder's.....							1	.....	1
New Rochelle Special Sessions.....							3	.....	3
New York City Children's, New York county.....			12	78	1	.....	3	.....	93
New York City Children's, Kings county.....	3	.....	58	34	19	.....	9	89	183
New York City Children's, Queens county.....			7	2	2	.....	2	6	124
New York City Children's, Richmond county.....			2	1	.....	.....	.....	1	4
New York City Police.....			3	2	.....	.....	1	.....	6
Niagara Recorder's.....				1	.....	.....	.....	.....	1
Oswego Recorder's.....				3	.....	.....	.....	.....	3
Plattsburgh City.....				1	.....	.....	.....	.....	1
Rome City.....					1	.....	.....	.....	1
Schenectady Police.....					6	.....	.....	.....	6
Syracuse Special Sessions.....			2	2	.....	.....	.....	.....	4
Troy Police.....			7	.....	1	.....	.....	.....	8
Utica City.....			1	.....	.....	.....	.....	.....	1
Watertown City.....					3	.....	6	.....	9
Yonkers Special Sessions.....			1	1	1	.....	1	.....	4
Total for cities.....	3	.....	109	127	50	.....	39	90	424
IN TOWNS AND VILLAGES.									
Village in Nassau county.....								1	1
Town in Warren county.....			1	.....	.....	.....	.....	.....	1
Batavia.....								2	2
Totals for towns and villages.....			1	.....	.....	.....	.....	3	4
COUNTY COURTS									
Chemung.....			*1	.....	.....	.....	.....	.....	*1
Monroe, Children's Part.....			3	1	2	.....	.....	.....	6
Total for county courts.....			4	1	2	.....	.....	.....	7
Grand total.....	3	.....	114	128	52	.....	39	99	436

* P.aced on probat' on after appeal from lower court.

TABLE 2C.—CLASSIFICATION OF OFFENSES OF MEN PLACED ON PROBATION DURING 1911.

COURTS.	MISDEMEANORS AND LESSER OFFENSES.							FELONIES.					
	Assault, third degree.	Disorderly conduct.	Non-support.	Petit larceny.	Public intoxication.	Violation of local ordinances.	Other misdemeanors and un-stated lesser offenses.	Assault.	Burglary.	Forgery.	Grand larceny.	Other and un-stated felonies.	Total.
IN CITIES.													
Albany Police.....	13	2	3	9	4	1	2	.....	.....	.....	.....	.....	12
Amsterdam Recorder's.....	1	1	19	4	7	.....	1	.....	.....	.....	.....	.....	26
Auburn Recorder's.....	65	.....	267	255	67	93	99	.....	.....	.....	.....	.....	31
Buffalo City.....	.....	.....	2	1	5	.....	.....	.....	.....	.....	.....	.....	846
Cortland City.....	.....	.....	5	.....	1	.....	.....	.....	.....	.....	.....	.....	8
Dunkirk Municipal.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
Elmira Recorder's.....	.....	.....	3	.....	8	1	2	.....	.....	.....	.....	.....	1
Gloversville Recorder's.....	2	2	7	1	24	1	.....	.....	.....	.....	.....	.....	16
Ithaca City.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	34
Jamestown Police.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2
Kingston Recorder's.....	1	1	2	1	2	.....	.....	.....	.....	.....	.....	.....	3
Lackawanna City.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	5
Middletown Recorder's.....	.....	.....	.....	.....	3	.....	1	.....	.....	.....	.....	.....	3
Mount Vernon City.....	4	1	14	.....	.....	.....	.....	.....	.....	.....	.....	.....	23
Newburgh Recorder's.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2
New Rochelle Special Sessions.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
New York City Board of Magistrates, First Division.....	.....	658	449	.....	20	2	1	.....	.....	.....	.....	.....	1,130
New York City Board of Magistrates, Second Division.....	.....	670	872	.....	240	28	65	.....	.....	.....	.....	.....	1,875
New York City Special Sessions, Manhattan and the Bronx.....	64	2	.....	449	.....	41	60	.....	.....	.....	.....	.....	616
New York City Special Sessions, Brooklyn, Queens and Richmond.....	91	5	.....	198	.....	25	5	.....	.....	.....	.....	.....	324
Niagara Falls Police.....	1	4	2	1	2	.....	1	.....	.....	.....	.....	.....	11
Oswego Recorder's.....	2	.....	3	1	6	.....	.....	.....	.....	.....	.....	.....	10
Plattsburgh City.....	.....	.....	3	2	8	.....	.....	.....	.....	.....	.....	.....	11
Poughkeepsie City.....	.....	.....	.....	2	57	.....	2	.....	.....	.....	.....	.....	14
Poughkeepsie City.....	37	30	39	21	8	9	2	.....	.....	.....	.....	.....	195
Rochester Police.....	2	.....	.....	.....	14	2	6	.....	.....	.....	.....	.....	38
Rome City.....	3	1	5	7	17	.....	.....	.....	.....	.....	.....	.....	117
Syracuse Special Sessions.....	7	10	9	23	45	17	6	.....	.....	.....	.....	.....	117

TABLE 2C.—CLASSIFICATION OF OFFENSES OF MEN PLACED ON PROBATION DURING 1911—*Concluded.*

COURTS.	MISDEMEANORS AND LESSER OFFENSES.						FELONIES.						
	Assault, third degree.	Disorderly conduct.	Non-support.	Petit larceny.	Public intoxication.	Violation of local ordinances.	Other misdemeanors and unreported offenses.	Assault.	Burglary.	Forgery.	Grand larceny.	Other and unreported felonies.	Total.
IN CITIES — Continued.													
Troy Police.....	.....	1	.....	4	.....	.....	2	.....	.....	.....	.....	.....	7
Utica City.....	8	6	18	20	32	18	5	.....	.....	.....	.....	.....	107
Watertown City.....	.....	.....	.....	4	3	.....	1	.....	.....	.....	.....	.....	8
Watervliet Recorder's.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Yonkers Special Sessions.....	5	3	24	5	4	.....	1	.....	.....	.....	.....	.....	42
Total for cities.....	308	1,397	1,746	1,020	557	237	262	.....	.....	.....	.....	.....	5,527
IN TOWNS AND VILLAGES.													
Chemung county.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Clinton county.....	2	.....	1	.....	1	.....	1	.....	.....	.....	.....	.....	5
Errie county.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Fulton county.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Montgomery county.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Niagara county.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
Oswego county.....	7	4	8	6	14	4	6	.....	.....	.....	.....	.....	49
Rensselaer county.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Saratoga county.....	1	2	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2
Schenectady county.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Warren county.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Yates county.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	2
Albion.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	1
Batavia.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Haverstraw.....	.....	11	2	1	.....	.....	.....	.....	.....	.....	.....	.....	20
Newark.....	6	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Norwich.....	.....	.....	.....	.....	9	.....	.....	.....	.....	.....	.....	.....	9
Saratoga Springs.....	2	1	2	6	45	3	1	.....	.....	.....	.....	.....	60
Total for towns and villages.....	19	21	15	18	76	7	11	.....	.....	.....	.....	.....	167

SUPREME AND COUNTY COURTS.	4	1	1	176	634	245	328	78	181	37	268	227	1,117
Albany Supreme and County.....	4	1	1	3	1	1	55	78	181	37	268	227	1,117
Broome Supreme.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Cayuga Supreme and County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Chautauque Supreme.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Chemung County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Chenango Supreme and County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Clinton Supreme.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Cortland County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Delaware County.....	5	1	1	10	1	1	18	11	41	3	42	59	189
Erie Supreme and County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Essex Supreme and County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Fulton Supreme and County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Greene Supreme and County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Lewis County.....	1	1	1	3	1	1	1	2	4	1	9	7	26
Monroe County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Montgomery County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
New York Supreme and General Sessions.....	68	1	1	146	1	1	19	47	75	24	171	140	691
Oneida Supreme and County.....	1	1	1	1	1	1	1	6	8	2	10	1	29
Onondaga Supreme and County.....	1	1	1	1	1	1	1	2	14	2	6	2	27
Ontario Supreme.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Oswego Supreme and County.....	4	1	1	1	1	1	1	1	5	4	2	2	19
Osageo County.....	1	1	1	1	1	1	1	1	1	1	1	1	2
Queens County.....	3	1	1	8	1	1	1	1	4	1	4	6	22
Rensselaer Supreme and County.....	1	1	1	1	1	1	1	1	3	1	3	2	9
Richmond County.....	1	1	1	1	1	1	1	1	4	1	1	1	1
St. Lawrence County.....	2	1	1	1	1	1	1	1	4	1	1	1	6
Saratoga Supreme and County.....	1	1	1	1	1	1	1	1	1	1	1	1	6
Seneca County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Schoharie County.....	1	1	1	1	1	1	1	1	1	1	1	1	1
Suffolk County.....	1	1	1	2	1	1	8	1	3	1	4	4	9
Warren Supreme and County.....	1	1	1	2	1	1	4	1	1	1	2	2	6
Westchester County.....	1	1	1	2	1	1	1	1	1	1	3	3	10
Wyoming County.....	1	1	1	2	1	1	4	1	1	1	1	1	5
Total for Supreme and county courts.....	92	1	1	176	634	245	328	78	181	37	268	227	1,117
Grand total.....	419	1,419	1,761	1,214	634	245	328	78	181	37	268	227	6,811

TABLE 2D.—CLASSIFICATION OF OFFENSES OF WOMEN PLACED ON PROBATION DURING 1911.

COURTS.	MISDEMEANORS AND LESSER OFFENSES.						FELONIES.				
	Assault, third degree.	Disorderly conduct.	Petit larceny.	Prostitution, soliciting or kindred offenses.	Public intoxication.	Violation of local ordinances.	Other misdemeanors and unclassified offenses.	Assault.	Grand larceny.	Other and unclassified felonies.	Total.
IN CITIES.											
Albany Police.....		3	1	.....	8	1	3	.....	.....	.....	16
Amsterdam Recorder's.....			.....	.....	1	.....	.....	.....	.....	.....	1
Auburn Recorder's.....		2	.....	.....	1	.....	.....	.....	.....	.....	3
Buffalo City.....	3	.....	22	.....	4	2	12	.....	.....	.....	43
Gloversville Recorder's.....		1	.....	.....	.....	.....	.....	.....	.....	.....	1
Ithaca City.....		3	.....	.....	2	.....	.....	.....	.....	.....	5
Kingston Police.....			.....	.....	.....	.....	.....	.....	.....	.....	1
Kingston Recorder's.....		1	.....	.....	1	.....	.....	.....	.....	.....	2
Mount Vernon City.....		1	1	.....	1	1	1	.....	.....	.....	2
New York City Board of Magistrates, First Division.....		122	.....	312	68	.....	.....	.....	.....	.....	504
New York City Board of Magistrates, Second Division.....		124	.....	27	141	37	37	.....	.....	.....	366
New York City Special Sessions, Manhattan and the Bronx.....	2	.....	64	1	9	2	8	.....	.....	.....	86
New York City Special Sessions, Brooklyn, Queens and Richmond.....	5	.....	22	.....	.....	2	2	.....	.....	.....	31
Plattsburgh City.....		1	.....	.....	.....	.....	.....	.....	.....	.....	1
Poughkeepsie City.....		2	.....	.....	4	.....	.....	.....	.....	.....	6
Rochester Police.....	3	2	4	7	21	2	.....	.....	.....	.....	39
Rome City.....		.....	.....	2	1	.....	2	.....	.....	.....	5
Schenectady Police.....		.....	2	.....	.....	.....	.....	.....	.....	.....	2
Syracuse Special Sessions.....		2	8	3	6	.....	.....	.....	.....	.....	21
Troy Police.....		.....	.....	.....	.....	1	2	.....	.....	.....	1
Utica City.....	1	.....	3	5	9	2	.....	.....	.....	.....	20
Watertown City.....		.....	.....	2	.....	.....	.....	.....	.....	.....	2
Yonkers Special Sessions.....		1	.....	.....	1	.....	.....	.....	.....	.....	2
Total for cities.....	14	265	127	360	278	50	69	.....	.....	.....	1,163

IN TOWNS AND VILLAGES.											
Clinton county.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Oneida county.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Saratoga county.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2
Haverstraw.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
Norwich.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Saratoga Springs.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Total for towns and villages.....	2	3	8	1	1	.....	.....	.....	.....	.....	15
SUPREME AND COUNTY COURTS.											
Albany Supreme and County.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Erie Supreme and County.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	4
Greene Supreme and County.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Herkimer County.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Montrose County.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
New York Supreme and General Sessions.....	2	.....	14	.....	.....	.....	.....	.....	.....	.....	3
Oneida Supreme and County.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	44
Queens County.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Total for Supreme and county courts.....	4	.....	15	3	.....	.....	.....	.....	.....	.....	58
Grand total.....	20	268	150	364	279	50	73	3	24	5	1,236

TABLE 2D.—CLASSIFICATION OF OFFENSES OF WOMEN PLACED ON PROBATION DURING 1911.

COURTS.	MISDEMEANORS AND LESSER OFFENSES.						FELONIES.				
	Assault, third degree.	Disor- derly con- duct.	Petit larceny.	Prosti- tution, solicit- ing or kindred offenses.	Public indecen- tation.	Violation of local ordina- nces.	Other murders and un- stated lesser offenses.	Assault.	Grand larceny.	Other and un- stated felonies.	Total.
IN CITIES.											
Albany Police.....	.....	3	1	.....	8	1	3	.....	.....	.....	16
Amsterdam Recorder's.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Auburn Recorder's.....	.....	2	.....	.....	1	.....	.....	.....	.....	.....	3
Buffalo City.....	3	.....	22	.....	4	2	12	.....	.....	.....	43
Gloversville Recorder's.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Ithaca City.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	5
Janestown Police.....	.....	1	.....	.....	2	.....	.....	.....	.....	.....	1
Kingston Recorder's.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
Mount Vernon City.....	.....	1	.....	.....	1	.....	.....	.....	.....	.....	2
New York City Board of Magistrates, First Division.....	.....	122	.....	312	68	1	1	.....	.....	.....	5
New York City Board of Magistrates, Second Division.....	.....	124	.....	27	141	37	2	.....	.....	.....	504
New York City Special Sessions, Manhattan and the Bronx.....	.....	.....	64	1	.....	.....	37	.....	.....	.....	366
New York City Special Sessions, Brooklyn, Queens and Richmond.....	2	.....	.....	.....	9	2	8	.....	.....	.....	86
Plattsburgh City.....	5	.....	22	.....	.....	2	2	.....	.....	.....	31
Poughkeepsie City.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Rochester Police.....	3	2	4	7	21	2	.....	.....	.....	.....	6
Rome City.....	.....	.....	.....	2	1	.....	.....	.....	.....	.....	39
Schenectady Police.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	5
Syracuse Special Sessions.....	.....	2	8	3	6	1	2	.....	.....	.....	2
Troy Police.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21
Utica City.....	1	.....	3	5	9	2	.....	.....	.....	.....	1
Watertown City.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	20
Yonkers Special Sessions.....	.....	1	.....	.....	1	.....	.....	.....	.....	.....	2
Total for cities.....	14	265	127	360	278	50	69	.....	.....	.....	1,163

IN TOWNS AND VILLAGES.									
Clinton county.....	1	.....	.....	.....	.....	.....	.....	.....	1
Oneida county.....	1	.....	.....	.....	.....	.....	.....	.....	2
Saratoga county.....	.....	2	.....	.....	.....	.....	.....	.....	2
Haverhill.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Norwalk.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Northampton.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Saratoga Springs.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Total for towns and villages.....	2	3	8	1	1	.....	.....	.....	15
SUPREME AND COUNTY COURTS.									
Albany Supreme and County.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Errie Supreme and County.....	1	.....	.....	.....	.....	.....	.....	.....	1
Greene Supreme and County.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Herkimer County.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Monroe County.....	.....	.....	.....	.....	.....	.....	.....	.....	1
New York Supreme and General Sessions.....	2	.....	.....	.....	.....	.....	.....	.....	3
Oneida Supreme and County.....	1	.....	.....	.....	.....	.....	.....	.....	3
Queens County.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Total for Supreme and county courts.....	4	.....	15	3	.....	.....	.....	.....	58
Grand total.....	20	268	150	364	279	50	73	24	1,236

TABLE 3A.—RESULTS OF PROBATION IN CASES OF BOYS PASSED FROM PROBATION DURING 1911.

COURTS.	Completed probationary period and charged with improvement.	Completed probationary period and discharged without improvement.	Re-arrested and committed.	Removed to other localities with permission of court or probation officer.	Ab-sconded or lost from oversight.	Unstated and other results.	Total.
IN CITIES.							
Albany Police.....	32	1	3	1	.....	.....	36
Amsterdam Recorder's.....	6	.....	2	.....	.....	.....	9
Auburn Recorder's.....	14	1	.....	.....	.....	.....	15
Binghamton City.....	6	.....	.....	.....	.....	.....	6
Buffalo Children's.....	405	21	111	16	9	2	564
Cohoes Recorder's.....	12	.....	.....	.....	.....	.....	12
Elmira Recorder's.....	.....	.....	1	1	.....	.....	2
Fulton Police.....	3	.....	.....	.....	.....	.....	3
Gloversville Recorder's.....	13	1	1	.....	.....	.....	15
Hudson City.....	9	.....	5	.....	.....	.....	14
Ithaca City.....	8	.....	1	1	.....	.....	10
Jamestown Police.....	1	.....	.....	.....	.....	.....	1
Johnstown Recorder's.....	3	.....	.....	.....	.....	.....	3
Kingston Recorder's.....	3	.....	.....	.....	.....	.....	3
Mount Vernon City.....	7	.....	.....	.....	.....	.....	7
Newburgh Recorder's.....	8	1	4	2	2	.....	13
New Rochelle Special Sessions.....	.....	.....	3	.....	1	.....	4
New York City Children's, New York county.....	10	.....	13	.....	.....	.....	23
New York City Children's, Kings county.....	176	.....	116	.....	.....	.....	292
New York City Children's, Queens county.....	512	.....	116	.....	.....	.....	628
New York City Children's, Richmond county.....	51	.....	13	.....	.....	.....	64
New York City Children's, Richmond county.....	49	.....	9	.....	1	.....	59
Niagara Falls Police.....	4	.....	.....	2	.....	.....	7
Ogdensburg Recorder's.....	4	.....	.....	.....	.....	.....	4
Oswego Recorder's.....	2	.....	.....	.....	.....	.....	2
Plattsburgh City.....	3	.....	.....	.....	.....	.....	3
Rochester Police.....	37	6	2	.....	.....	.....	45
Rome City.....	12	.....	1	.....	.....	.....	13
Schenectady Police.....	53	.....	8	2	.....	1	64
Syracuse Special Sessions.....	39	15	.....	.....	.....	.....	54
Troy Police.....	57	8	11	.....	.....	.....	76
Utica City.....	47	3	12	1	.....	.....	63

Watertown City.....	11	1	1	1	1	3	.....	17
Waterlist Recorder's.....	12	1	.....	.....	.....	.....	.....	13
Yonkers Special Sessions.....	73	4	.....	12	.....	.....	.....	89
Total for cities.....	1,682	57	338	27	17	3	2,124	
IN TOWNS AND VILLAGES.								
Chemung county.....	.....	.....	.....	.....	.....	.....	.....	4
Franklin county.....	.....	.....	4	.....	.....	.....	.....	3
Niagara county.....	1	.....	.....	.....	2	.....	.....	1
Orleans county.....	1	.....	.....	.....	.....	.....	.....	4
Saratoga county.....	4	.....	.....	.....	.....	.....	.....	6
Schenectady county.....	22	.....	.....	.....	.....	.....	.....	22
Yates county.....	1	.....	.....	2	.....	.....	.....	3
Norwich.....	.....	.....	.....	2	.....	.....	.....	2
Saratoga Springs.....	12	2	4	.....	.....	.....	.....	18
Total for towns and villages.....	47	2	8	4	2	.....	63	
COUNTY COURT.								
Monroe, Children's Part.....	6	.....	4	2	2	.....	14	
Grand total.....	1,735	59	350	33	21	3	2,201	

TABLE 3B.—RESULTS IN CASES OF GIRLS PASSED FROM PROBATION DURING 1911.

COURTS.	Completed probation-ary period and dis-charged with improve-ment.	Completed probation-ary period and dis-charged without improve-ment.	Re-arrested and com-mitted.	Removed to other localities with per-mission of proba-tion officer.	Ab-sconded or fled from over-sight.	Unstated and other results.	Total.
IN CITIES.							
Albany Police.....	8	2	1	1	.....	.....	6
Buffalo Children's.....	25	.....	5	.....	.....	.....	30
Cattaraugus Recorder's.....	2	.....	.....	.....	.....	.....	2
Hudson Recorder's.....	1	.....	1	.....	.....	.....	2
Ithaca City.....	1	.....	.....	.....	.....	.....	1
Madison City.....	2	.....	2	.....	.....	.....	4
Northampton City.....	1	.....	.....	.....	1	.....	2
New Rochelle Recorder's.....	1	.....	.....	.....	.....	.....	1
New Rochelle Special Sessions.....	1	.....	.....	.....	.....	.....	1
New York City Children's, New York county.....	145	2	9	2	.....	.....	158
New York City Children's, Kings county.....	84	.....	16	.....	.....	.....	100
New York City Children's, Queens county.....	9	.....	8	.....	.....	.....	17
New York City Children's, Richmond county.....	1	.....	2	2	.....	.....	5
Niagara Falls Police.....	1	.....	4	.....	.....	.....	6
Rochester Police.....	.....	.....	.....	.....	.....	.....	.....
Rome City.....	.....	.....	1	.....	.....	.....	1
Schenectady Police.....	2	.....	1	.....	.....	.....	3
Syracuse Special Sessions.....	1	.....	.....	.....	.....	.....	1
Troy Police.....	1	.....	.....	.....	.....	.....	1
Utica City.....	.....	.....	.....	.....	.....	.....	.....
Watertown City.....	2	1	1	.....	.....	.....	4
Yonkers Special Sessions.....	4	.....	.....	.....	.....	.....	4
Total for cities.....	291	5	45	5	4	.....	340
IN TOWNS AND VILLAGES.							
Delaware county.....	.....	.....	.....	.....	.....	.....	.....
Naasau county.....	1	.....	.....	.....	.....	.....	1
Oneida county.....	1	.....	.....	.....	.....	.....	1
Saratoga county.....	1	.....	.....	.....	.....	.....	1
Warren county.....	.....	.....	.....	1	.....	.....	1
Total for towns and villages.....	4	.....	.....	1	.....	.....	5
COUNTY COURT.							
Monroe, Children's Part.....	2	.....	2	.....	.....	.....	4
Grand total.....	297	5	47	6	4	.....	359

TABLE 3C.—RESULTS OF PROBATION IN CASES OF MEN PASSED FROM PROBATION DURING 1911.

COURTS.	Completed probationary period and discharged with improve-ment.	Completed probationary period and discharged without improve-ment.	Re-arrested and com-mitted.	Removed to other localities with per-mission of court or probation officer.	Ab-sconded or lost from over-sight.	Unstated and other results.	Total.
IN CITIES.							
Albany Police.....	13	.....	.....	.....	.....	.....	13
Amsterdam Recorder's.....	.....	.....	.....	.....	.....	.....	5
Austin Recorder's.....	20	8	3	.....	.....	.....	28
Buffalo City.....	506	31	80	4	60	29	710
Gloversville Recorder's.....	5	.....	2	1	1	.....	9
Ithaca City.....	33	.....	4	.....	.....	.....	38
Kingston Recorder's.....	2	.....	.....	.....	.....	.....	2
Lackawanna City.....	1	.....	.....	.....	.....	.....	1
Middletown Recorder's.....	3	.....	.....	.....	.....	.....	3
Mount Vernon City.....	1	.....	.....	1	2	.....	3
New York City Board of Magistrates, First Division.....	352	13	144	.....	60	1	578
New York City Board of Magistrates, Second Division.....	923	64	77	2	77	9	1,154
New York City Special Sessions, Manhattan and the Bronx.....	629	1	5	.....	.....	11	635
New York City Special Sessions, Brooklyn, Queens and Richmond.....	308	3	24	.....	22	.....	357
Niagara Falls Police.....	10	.....	.....	.....	1	.....	11
Ogdensburg Recorder's.....	10	.....	.....	.....	.....	.....	10
Oswego Recorder's.....	5	.....	1	.....	.....	.....	6
Plattsburgh City.....	9	.....	.....	.....	.....	.....	9
Poughkeepsie City.....	14	.....	.....	.....	.....	.....	16
Rochester Police.....	164	.....	18	8	13	1	204
Rome City.....	17	.....	.....	.....	.....	.....	17
Syracuse Special Sessions.....	76	25	8	.....	5	.....	114
Troy Police.....	11	.....	.....	.....	.....	.....	11
Utica City.....	50	9	14	6	3	.....	82
Watertown City.....	.....	1	2	1	2	.....	6
Watervliet Recorder's.....	4	.....	.....	.....	.....	.....	4
Yonkers Special Sessions.....	15	.....	4	2	8	.....	29
Total for cities.....	3,181	156	386	27	262	51	4,063

TABLE 3C.—RESULTS OF PROBATION IN CASES OF MEN PASSED FROM PROBATION DURING 1911—Concluded.

COURTS.	Completed probation-ary period and dis- charged with improve- ment.	Completed probation-ary period and dis- charged without improve- ment.	Re- arrested and com- mitted.	Removed to other localities with per- mission of court or probation officer.	Ab- scended or lost from over- sight.	Unstated and other results.	Total.
IN TOWNS AND VILLAGES.							
Clinton county.....	4	.....	.....	.....	.....	1	5
Montgomery county.....	2	.....	1	.....	.....	.....	3
Montgomery county.....	1	.....	.....	.....	.....	.....	1
Montgomery county.....	.....	1	.....	1	.....	.....	2
Onondaga county.....	33	2	4	.....	.....	1	40
Saratoga county.....	1	1	1	.....	.....	.....	3
Schenectady county.....	1	.....	.....	.....	.....	.....	1
Warren county.....	1	.....	.....	.....	.....	.....	1
Malone.....	1	.....	.....	.....	.....	.....	1
Newark.....	1	1	.....	.....	1	.....	3
Norwich.....	.....	.....	1	.....	.....	.....	1
Saratoga Springs.....	54	3	7	.....	.....	.....	64
Total for towns and villages.....	99	8	14	1	1	2	125
SUPREME AND COUNTY COURTS.							
Albany Supreme and County.....	13	3	3	.....	.....	.....	19
Broome Supreme and County.....	2	.....	.....	.....	.....	.....	2
Cayuga Supreme and County.....	1	.....	2	.....	.....	.....	3
Chautauqua Supreme.....	1	.....	.....	.....	.....	.....	1
Chemung Supreme and County.....	2	.....	.....	.....	1	.....	3
Dutchess Supreme.....	.....	.....	.....	.....	.....	.....	.....
Errie Supreme and County.....	104	2	17	18	7	2	150
Essex Supreme and County.....	1	.....	.....	1	.....	.....	2
Fulton Supreme and County.....	4	.....	.....	.....	.....	.....	4
Genesee Supreme.....	4	.....	.....	.....	1	.....	5
Monroe County.....	24	1	6	.....	2	.....	33
Nassau County.....	18	.....	.....	.....	.....	.....	18
New York Supreme and General Sessions.....	376	3	37	9	15	33	478
Oneida Supreme and County.....	11	.....	1	2	.....	.....	14
Onondaga Supreme and County.....	9	.....	4	2	2	1	18
Ontario Supreme.....	1	.....	.....	.....	.....	.....	1
Oswego Supreme and County.....	3	.....	1	.....	.....	.....	4

[illegible]

TABLE 3D.—RESULTS OF PROBATION IN CASES OF WOMEN PASSED FROM PROBATION DURING 1911.

COURTS.	Completed probation-ary period and charged with improve-ment.	Completed probation-ary period and dis- charged without improve-ment.	Re- arrested and com- mitted.	Removed to other localities with per- mission of court or probation officer.	Ab- sconded or lost from over- sight.	Unstated and other results.	Total.
IN CITIES.							
Albany Police.....	3	.....	3	.....	.....	1	6
Amsterdam Recorder's.....	.....	.....	.....	.....	.....	.....	1
Auburn Recorder's.....	1	.....	.....	.....	.....	.....	1
Buffalo City.....	13	.....	5	.....	.....	3	22
Gloversville Recorder's.....	2	1	.....	.....	.....	.....	3
Ithaca City.....	8	.....	.....	.....	.....	.....	8
Jamestown Police.....	.....	.....	.....	1	.....	.....	1
Kingston Recorder's.....	1	.....	1	.....	.....	.....	2
Mount Vernon City.....	1	.....	2	1	.....	.....	4
New York City Board of Magistrates, First Division.....	309	17	71	.....	47	.....	444
New York City Board of Magistrates, Second Division.....	243	9	31	1	.....	.....	301
New York City Special Sessions, Manhattan and the Bronx.....	77	.....	1	.....	8	9	79
New York City Special Sessions, Brooklyn, Queens and Richmond	27	.....	4	.....	.....	.....	31
Ogdensburg Recorder's.....	1	.....	.....	.....	.....	.....	1
Oswego Recorder's.....	1	.....	.....	.....	.....	.....	1
Plattsburgh City.....	3	.....	.....	2	.....	.....	5
Poughkeepsie City.....	6	.....	.....	.....	.....	.....	6
Rochester Police.....	21	.....	11	.....	4	.....	39
Rome City.....	.....	3	.....	.....	.....	.....	3
Syracuse Special Sessions.....	1	1	1	.....	.....	.....	3
Troy Police.....	3	.....	2	.....	.....	.....	5
Utica City.....	12	1	4	1	.....	.....	17
Watertown City.....	.....	.....	1	.....	.....	.....	1
Yonkers Special Sessions.....	.....	1	1	.....	.....	.....	2
Total for cities.....	733	35	137	6	60	13	984

IN TOWNS AND VILLAGES.					
Clinton county.....	1	.....	.....	.....	1
Oneida county.....	2	.....	.....	.....	2
Total for towns and villages.....	3	.....	.....	.....	3
SUPREME AND COUNTY COURTS.					
Albany Supreme and County.....	1	.....	.....	.....	1
Chautauque Supreme.....	1	.....	.....	.....	1
Erie Supreme and County.....	2	.....	.....	.....	2
Tilton Supreme and County.....	1	.....	.....	.....	1
Morgan County.....	3	.....	.....	.....	3
New York Supreme and General Sessions.....	24	.....	.....	.....	24
Oswego Supreme and County.....	12	.....	.....	.....	12
Oneida Supreme and County.....	1	.....	.....	.....	1
Oswego Supreme and County.....	1	.....	.....	.....	1
St. Lawrence County.....	1	.....	.....	.....	1
Total for Supreme and county courts.....	22	.....	.....	.....	35
Grand total.....	758	35	6	61	1,022

TABLE 4A.—INVESTIGATIONS IN CASES OF BOYS DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Auburn Recorder's.....	3	4	7	3	3	5	3	4	...	3	3	1	39
Buffalo Children's.....	78	84	101	81	136	80	58	91	75	74	87	65	1,010
Kingston Recorder's.....	1	...	2	...	...	...	...	3	...	...	...	...	10
Mount Vernon City.....	...	...	26	27	41	29	13	1	2	30	51	22	269
New York City Children's, New York county.....	3	...	3	4	7	...	2	...	...	...	5	5	29
New York City Children's, Kings county.....	...	1	3	8	14	6	4	...	6	6	6	4	59
New York City Children's, Queens county.....	...	2	2	7	8	13	5	...	2	2	1	7	49
New York City Children's, Richmond county.....	...	...	2	1	...	...	16	...	2	1	...	...	4
Niagara Falls Police.....	...	...	2	2	5	2	...	4	2	8	10	14	65
Syracuse, Special Sessions.....	...	8	...	2	12	7	4	3	2	2	6	1	47
Utica City.....	...	...	...	...	...	...	...	...	...	...	...	3	3
Watertown City.....	10	3	6	11	5	5	3	...	5	5	7	7	67
Yonkers Special Sessions.....	...	...	...	...	...	...	...	...	...	...	...	...	...
Total for cities.....	95	102	153	147	231	147	108	112	120	134	176	129	1,654
IN TOWNS AND VILLAGES.													
Oneida county.....	1	...	...	...	...	...	...	1	2	1	...	2	7
Saratoga Springs.....	1	...	...	...	...	...	...	...	...	...	...	...	1
Total for towns and villages.....	2	...	...	...	...	...	...	1	2	1	...	2	8
COUNTY COURT.													
Monroe, Children's Part.....	8	...	20	21	15	9	18	7	6	21	13	7	145
Grand total.....	105	102	173	168	246	156	126	120	128	156	189	138	1,807

TABLE 4B.—INVESTIGATIONS IN CASES OF GIRLS DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
IN CITIES.													
Albany Police.....	1	1	2	1	1	1	2	2	1	1	1	2	2
Auburn Recorder's.....	8	12	6	14	9	7	4	10	4	5	7	1	11
Buffalo Children's.....	1	1	1	13	13	23	52	29	78	81	110	70	91
Mount Vernon City.....	1	1	1	13	13	23	52	29	78	81	110	70	5
Newburgh Recorder's.....	1	1	1	13	13	23	52	29	78	81	110	70	5
New York City Children's, New York county.....	5	1	3	13	13	23	52	29	78	81	110	70	469
New York City Children's, Kings county.....	2	1	2	4	4	4	2	2	2	2	2	2	16
New York City Children's, Queens county.....	1	1	1	1	1	1	3	4	2	1	1	2	18
New York City Children's, Richmond county.....	1	1	1	1	1	1	3	4	2	1	1	2	9
Niagara Falls Police.....	1	1	1	1	1	3	4	12	8	4	6	18	2
Syracuse Special Sessions.....	2	1	4	1	1	1	1	1	1	1	1	1	56
Watertown City.....	2	1	1	1	1	1	1	1	1	1	1	1	7
Yonkers Special Sessions.....	2	1	1	1	1	1	1	1	1	1	1	1	1
Total for cities.....	20	17	18	30	29	38	67	53	96	95	126	100	689
IN TOWNS AND VILLAGES.													
Town in Delaware county.....	1	1	1	1	1	1	1	1	1	1	1	1	1
County Court.....	2	1	1	1	7	1	1	15	2	7	1	6	40
Monroe Children's Part.....	22	18	18	30	36	38	67	68	98	102	127	106	730
Grand total.....													

TABLE 4C.—INVESTIGATIONS IN CASES OF MEN DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
IN CITIES.													
Auburn Recorder's.....	5	3	3	1	4	2	4	3	3	5	4	3	40
Buffalo City.....	235	224	161	209	247	226	183	90	149	225	82	127	2,158
Lockport.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	2
Leicester.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	2
Mount Vernon City.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1
Northburgh Recorder's.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York City Board of Magistrates, First Division.....	12	38	39	43	21	30	24	24	35	31	35	35	367
New York City Board of Magistrates, Second Division.....	77	46	91	93	117	121	96	106	56	75	93	139	1,110
New York City Special Sessions, Manhattan and the Bronx.....	198	78	71	178	218	255	92	140	127	124	131	140	1,752
New York City Special Sessions, Brooklyn, Queens and Richmond.....	79	62	90	75	99	80	46	58	.....	41	46	41	717
Niagara Falls Police.....	.....	.....	.....	2	.....	2	.....	.....	1	.....	.....	.....	6
Rochester Police.....	21	.....	.....	.....	.....	.....	30	27	32	.....	27	21	158
Rome City.....	2	2	2	6	2	.....	7	3	.....	6	1	2	35
Syracuse Special Sessions.....	.....	.....	6	.....	.....	.....	19	.....	.....	.....	12	12	50
Utica City.....	.....	3	3	1	3	10	11	1	4	8	.....	.....	44
Watertown City.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Yonkers Special Sessions.....	8	4	5	3	4	4	3	3	4	11	4	10	63
Total for cities.....	637	461	471	612	715	732	515	455	416	529	436	533	6,512
IN TOWNS AND VILLAGES.													
Erie county.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Onesida county.....	3	.....	5	5	4	6	5	6	3	5	3	1	46
Saratoga Springs.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Total for towns and villages.....	5	.....	5	5	4	6	5	6	3	5	3	3	50
SUPREME AND COUNTY COURTS.													
Cayuga Supreme and County.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Chautauqua Supreme.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Chautauqua Supreme and County.....	34	52	34	28	24	38	6	1	31	60	19	31	358
Monroe County.....	.....	.....	.....	.....	.....	11	.....	.....	.....	.....	.....	.....	16
New York Supreme and General Sessions.....	194	192	221	193	333	239	186	94	142	245	272	240	2,571
Onesida Supreme and County.....	1	.....	1	8	5	4	.....	.....	.....	6	3	10	38
Ontonaga Supreme and County.....	5	10	10	8	.....	.....	.....	.....	.....	2	.....	.....	35

[illegible]

* Month unstated in 19 cases in Queens county.

TABLE 4D.—INVESTIGATIONS IN CASES OF WOMEN DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
IN CITIES.													
Albany Police.....	1	1	1	4	23	11	18	5	25	23	20	55	184
Auburn Recorder's.....	7	1	5	5	5	1	1	1	1	2	1	6	7
Buffalo City.....										8	4		43
Kingston Recorder's.....													1
Mount Vernon City.....													5
New York City Board of Magistrates, First Division.....	170	99	84	101	81	100	80	77	119	68	69	113	1,161
New York City Board of Magistrates, Second Division.....	88	82	83	100	127	130	129	75	58	98	75	121	1,166
New York City Special Sessions, Manhattan and the Bronx.....	20	18	18	23	21	36	23	15	13	24	18	21	280
New York City Special Sessions, Brooklyn, Queens and Richmond.....	13	18	12	3	16	6	13		7	5	7	7	107
Niagara Falls Police.....	1	1	20	35	28	39	47	38	32	42	32	38	404
Rochester Police.....	26	27	1	1			2		9		24	7	45
Saratoga City.....											2		2
Syracuse Special Sessions.....													3
Tulsa City.....													3
Watertown City.....													3
Yonkers Special Sessions.....													3
Total for cities.....	326	247	224	273	301	324	314	214	264	272	256	371	3,386
IN TOWNS AND VILLAGES.													
Oneida County.....							1					1	2
SUPREME AND COUNTY COURTS.													
Eric Supreme and County.....	2				1	1			2			2	8
New York Supreme and County.....	21	11	3		11	8	17	3	3	6	13	1	100
New York Supreme and General Sessions.....				1								2	3
Oneida Supreme and County.....													
Total for Supreme and county courts.....	23	11	3	1	12	9	17	3	5	6	13	5	111
Grand total.....	349	258	227	274	313	333	332	217	269	281	269	377	3,499

TABLE 5A.—MONEY COLLECTED FROM PROBATIONERS IN FINES DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
IN CITIES.													
Amsterdam Recorder's.....	\$4 00	\$5 00	\$9 00	\$5 00	.....	.....	.....	\$35 00	.....	\$8 00	\$24 00	\$19 50	\$43 50
Auburn Recorder's.....	77 00	116 50	252 50	274 00	\$282 75	\$94 00	\$74 50	556 50	\$214 55	180 25	290 45	5 00	71 00
Ruffalo City.....	.....	.....	.....	.....	.....	.....	.....	14 00	30 00	6 00	.....	156 75	2,569 75
Mount Vernon City.....	.....	.....	.....	.....	.....	4 00	.....	.....	15 00	.....	.....	.....	50 00
New York City Board of Magis-	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
trates, Second Division.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York City Children's, Kings	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
County.....	.....	.....	5 00	7 00	.....	25 00	25 00	.....	10 00	.....	25 00	.....	25 00
Niagara Falls Police.....	.....	.....	.....	10 00	.....	25 00	35 00	.....	23 50	75 00	.....	.....	10 00
Rome City.....	.....	11 40	21 50	5 15	10 50	4 00	6 00	.....	2 00	12 00	1 00	.....	87 00
Syracuse Special Sessions.....	.....	2 00	10 00	5 00	15 00	3 00	3 00	5 00	.....	4 00	4 00	.....	143 50
Utica City.....	75	.....	2 00	2 25	3 00	.....	4 25	3 00	3 50	12 00	11 00	.....	78 55
Watertown City.....	.....	2 00	.....	.....	.....	.....	5 00	1 00	4 00	24 00	9 00	.....	49 75
Yonkers Special Sessions.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	39 00
Yonkers Special Sessions.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	45 00
Total for cities.....	\$81 75	\$136 90	\$300 00	\$308 40	\$311 25	\$130 00	\$152 75	\$615 50	\$302 55	\$327 25	\$364 45	\$181 25	\$3,212 05
IN TOWNS AND VILLAGES.													
Niagara County.....	\$9 00	\$9 00	.....	\$6 00	\$10 00	.....	\$11 50	\$5 00	.....	\$22 00	.....	.....	\$23 00
Onondaga County.....	6 00	6 50	.....	2 00	.....	\$3 00	.....	28 00	.....	.....	\$9 00	\$19 50	138 50
Saratoga Springs.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5 00
Total for towns and villages.....	\$15 00	\$15 50	.....	\$8 00	\$10 00	\$3 00	\$11 50	\$33 00	\$20 00	\$22 00	\$9 00	\$19 50	\$166 50
SUPREME AND COUNTY COURTS.													
Erie Supreme and County.....	.....	.....	\$200 00	\$50 00	\$50 00	.....	.....	.....	.....	\$56 00	\$28 00	\$22 00	\$106 00
Wyoming County.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50 00	.....	.....	350 00
Total for Supreme and county	.....	.....	\$200 00	\$50 00	\$50 00	.....	.....	.....	.....	\$106 00	\$28 00	\$22 00	\$456 00
courts.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	\$455 25	\$401 45	\$222 75	\$3,834 55
Grand total.....	\$86 75	\$152 40	\$500 00	\$366 40	\$371 25	\$133 00	\$164 25	\$648 50	\$322 55	\$455 25	\$401 45	\$222 75	\$3,834 55

TABLE 5B.—MONEY COLLECTED FROM PROBATIONERS IN RESTITUTION AND REPARATION DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
IN CITIES.													
Buffalo City, N. Y.	\$297 55	\$338 75	\$120 40	\$161 91	\$184 51	\$167 75	\$149 25	\$664 67	\$119 90	\$233 00	\$327 20	\$140 23	\$2,905 12
Mount Vernon City, N. Y.	2 32	3 37	55	4 00	.....	11 25	50	.....	.....	.....	.....	.....	21 99
New York City Board of Magistrates, First Division Magistrates.	.....	.....	.....	.....	50 00	100 0	17 60	.....	.....	6 00	2 00	3 00	88 80
New York City Board of Magistrates, Second Division Magistrates.	.....	70 00	.....	5 00	15 00	20 00	12 00	10 00	10 00	10 00	.....	6 00	158 00
New York City, Special Sessions, Manhattan and the Bronx.	.....	.....	.....	.....	.....	.....	.....	.....	.....	162 00	.....	.....	162 00
New York City, Special Sessions, Brooklyn, Queens and Richmond.	.....	20 00	24 88	.....	16 00	.....	.....	.....	.....	.....	.....	.....	60 88
New York City, Children's Kings county.	2 75	75	19 50	7 00	14 42	8 00	2 40	3 00	33 00	17 00	.....	.....	3 50
Rochester Police.	.....	5 50	.....	.....	.....	.....	30 00	.....	13 00	.....	1 00	.....	109 82
Rome City.	.....	41 00	15 00	1 00	15 79	22 00	11 00	8 00	.....	10 00	3 00	5 00	85 50
Syracuse-Special Sessions.	.....	4 00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	94 79
Troy police.	8 00	14 41	1 00	6 00	6 00	4 00	17 00	12 67	7 00	.....	2 00	7 00	7 00
Utica City.	2 50	2 50	3 00	12 50	2 50	1 00	6 16	6 66	3 00	.....	2 00	21 00	99 08
Yonkers Special Sessions.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	41 82
Total for cities.	\$310 80	\$499 23	\$187 15	\$193 96	\$308 22	\$232 75	\$256 66	\$705 50	\$185 90	\$438 00	\$337 20	\$182 73	\$3,838 10
IN TOWNS AND VILLAGES.													
Niagara County.	.....	\$5 00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	\$5 00
Oneida County.	\$4 00	8 00	\$8 00	\$8 00	\$8 00	\$9 70	\$1 50	\$4 50	.....	.....	.....	.....	45 70
Saratoga County.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6 00
Total for towns and villages.	\$4 00	\$13 00	\$8 00	\$8 00	\$8 00	\$9 70	\$1 50	\$4 50	.....	.....	.....	.....	\$56 70
SUPREME AND COUNTY COURTS.													
Chemung County.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	\$25 00	.....	\$25 00
Delaware County.	.....	.....	.....	.....	\$2 00	.....	.....	.....	.....	.....	.....	.....	2 00
Erie Supreme and County.	\$128 50	\$348 00	\$2,599 93	\$164 79	166 00	\$382 00	\$198 90	\$117 00	\$162 50	\$273 64	131 00	\$219 00	4,891 26
Lewis County.	.....	.....	.....	.....	.....	.....	.....	.....	4 00	12 00	.....	12 00	40 00
Monroe County.	.....	3 00	.....	12 60	4 50	4 00	12 70	7 25	13 00	.....	4 35	.....	60 80
Montgomery County.	.....	.....	.....	1 50	2 00	1 50	.....	.....	.....	.....	.....	.....	6 50

New York Supreme and Gen- eral Sessions.....	29 00	23 00	22 00	27 00	24 00	85 00	19 00	40 00	59 50	158 00	128 00	113 15	725 65
Oneida Supreme and County.....	.....	.....	.....	29 00	24 00	27 00	16 00	18 00	14 25	26 00	12 00	4 00	170 25
Rensselaer Supreme and County.....	.....	.....	192 00	.....	14 50	.....	.....	.....	.....	.....	.....	3 00	209 50
Wyoming County.....	.....	25 00	25 00	.....	25 00	25 00	25 00	25 00	25 00	.....	.....	.....	175 00
Totals for Supreme and county courts.....	\$157 50	\$399 00	\$2,838 93	\$234 29	\$262 00	\$524 50	\$272 10	\$207 25	\$278 25	\$467 64	\$312 35	\$351 15	\$6,304 96
Grand total.....	\$472 80	\$911 23	\$3,034 08	\$436 25	\$578 22	\$766 95	\$530 26	\$917 25	\$464 15	\$905 64	\$649 55	\$533 88	\$10,199 76

TABLE 5C.—MONEY COLLECTED FROM PROBATIONERS FOR SUPPORT OF FAMILIES DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Month unstatd	Total.
IN CITIES.														
Amsterdam Recorder's.	\$148 02	\$119 65	\$129 90	\$122 60	\$164 60	\$165 70	\$309 50	\$137 00	\$124 35	\$166 15	\$145 00	\$22 25		\$22 25
Auburn Recorder's.		1,115 28	1,037 04	1,143 30	1,501 25	1,236 46	1,406 19	1,161 50	1,180 50	1,322 95	1,309 70	145 95		1,878 42
Buffalo City.	1,192 55											32 00		14,757 36
Cortland City.														5 00
Elmira Recorder's.														81 00
Ithaca City.		3 00	3 00	4 75				51 50	15 50	14 00				263 22
Mount Vernon City.								11 30	21 20	55 56	91 36	73 05		
New York City Board of Magis-						70 00			100 00			95 00		*265 00
trates, First Division.														
New York City Board of Magis-	1,037 63	2,046 78	2,097 77	2,148 80	3,479 38	3,170 91	3,871 10	4,179 86	4,202 17	5,944 52	5,533 63	5,509 14		44,121 69
trates, Second Division.	4 00													4 00
Oswego Recorder's.														
Plattsburgh City.		34 50	31 00	48 00	43 50	64 00	69 50	65 50	64 00	77 26	66 25	21 00		584 51
Rochester Police.	311 34	290 34	270 00	262 34	572 67	299 00	264 00	282 00	320 00	441 00	279 00	379 00		3,970 69
Rome City.	12 50	38 00		54 00	72 00	97 50	90 00	84 00	120 50	167 00	136 00	192 50		1,054 00
Syracuse Special Sessions.		164 50	268 00	380 00	968 76	835 00	675 50	901 50	684 00	743 00	672 00	830 00		6,822 26
Utica City.	28 50	73 50	69 00	47 50	44 00	45 50	115 00	117 20	177 00	135 00	41 00	39 00		932 20
Yonkers Special Sessions.	79 00	75 00	52 00	65 00	35 00	32 50	41 50	46 00	100 00	110 00	150 00	207 00		993 00
Total for cities.	\$3,713 54	\$3,960 55	\$3,957 71	\$4,276 29	\$6,881 16	\$6,016 57	\$6,842 29	\$6,737 36	\$7,109 22	\$9,166 44	\$8,428 94	\$8,696 53		*\$75,786 60
IN TOWNS AND VILLAGES.														
Clinton County.	\$6 00													\$6 00
Oneida County.	35 00	\$57 50	\$44 00	\$42 00	\$45 00	\$96 50	\$100 50	\$151 00	\$118 00	\$112 00	\$94 00	\$98 50		994 00
Saratoga Springs.	10 00													10 00
Total for towns and villages.	\$51 00	\$57 50	\$44 00	\$42 00	\$45 00	\$96 50	\$100 50	\$151 00	\$118 00	\$112 00	\$94 00	\$98 50		\$1,010 00
SUPREME AND COUNTY COURTS.														
Erie Supreme and County.	\$424 50	\$412 50	\$416 00	\$390 54	\$471 55	\$465 50	\$435 00	\$394 00	\$462 00	\$597 00	\$503 62	\$666 00		\$5,878 21
New York Supreme and General	113 00	116 00	116 00	70 00	94 00	101 00	110 00	137 00	121 00	154 00	162 00	166 00		1,460 00
Sessions.													\$100 00	100 00
Queens County.														
Total for Supreme and county	\$537 50	\$528 50	\$532 00	\$460 54	\$565 55	\$566 50	\$595 00	\$521 00	\$583 00	\$751 00	\$665 62	\$832 00	\$100 00	\$7,438 21
courts.														
Grand total.	\$4,302 04	\$4,546 55	\$4,533 71	\$4,978 83	\$7,491 71	\$6,679 57	\$7,537 79	\$7,409 36	\$7,810 22	\$10,029 44	\$9,188 56	\$9,627 03	\$100 00	*\$84,254 81

* These figures do not include \$12,135.95 collected in non-support cases from probationers in the Manhattan Domestic Relations Court by the New York City Department of Charities.

TABLE 5D.—TOTAL MONEY COLLECTED FROM PROBATIONERS DURING 1911.

	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Month united.	Total.
Fines.....	\$96 75	\$152 40	\$500 00	\$366 40	\$371 25	\$133 00	\$164 25	\$648 50	\$322 55	\$455 25	\$401 45	\$222 75	.....	\$3,334 55
Restitution.....	472 30	911 23	3,034 08	436 25	578 22	766 96	530 26	917 25	464 15	905 64	640 55	533 88	.....	10,199 76
Support of families ..	4,302 04	4,546 55	4,533 71	4,978 83	7,491 71	6,679 57	7,537 79	7,409 36	7,810 22	10,029 44	9,188 56	9,627 03	\$100 00	\$84,234 81
Total.....	\$4,871 09	\$5,610 18	\$8,067 79	\$5,781 48	\$8,441 18	\$7,579 52	\$8,232 30	\$8,975 11	\$8,596 92	\$11,390 33	\$10,139 56	\$10,383 66	\$100 00	\$98,269 12

*These figures do not include \$12,135.88 collected in non-support cases from probationers in the Manhattan Domestic Relations Court by the New York City Department of Charities.

TABLE 6A.—PROBATION OFFICERS.

COURTS.	PROBATION OFFICERS HOLDING APPOINTMENTS DECEMBER 31, 1911.					PROBATION OFFICERS APPOINTED IN 1911.				
	Holding appoint- ments.	Salaried from public funds.	Detailed from other branches of the public service.	Salaried from private funds.	Volunteers.	Probation officers discharging duties in 1911.	Number positions filled.	Salaried from public funds.	Salaried from private funds.	Volunteers.
In Cities.										
Albany Police	4	1	.....	.....	3	3	1	1	.....	.....
Albany Special Sessions	1	1	.....	.....	1	.....	1	.....	.....	1
Amsterdam Recorder's	1	1	.....	.....	.....	1	.....	1	.....	.....
Auburn Recorder's	1	.....	.....	.....	1	.....	.....	.....	.....	.....
Binghamton City	1	.....	.....	.....	163	122	44	.....	.....	44
Buffalo City (including Children's Part)	169	5	1	.....	2	2	1	.....	.....	1
Cohoes Recorder's	2	.....	.....	.....	1	1	1	.....	.....	1
Cortland City	1	.....	.....	.....	3	3	3	.....	.....	3
Dunkirk Municipal	3	.....	.....	.....	4	4	1	.....	.....	1
Elmira Recorder's	4	.....	.....	.....	2	2	1	.....	.....	1
Gloversville Recorder's	2	.....	.....	.....	1	1	.....	.....	.....	.....
Hudson City	1	.....	.....	.....	.....	7	2	.....	.....	.....
Ithaca City	1	1	.....	.....	5	5	2	.....	.....	2
Jamestown Police	5	.....	.....	.....	.....	2	.....	.....	.....	.....
Johnstown Recorder's	1	1	.....	.....	.....	2	.....	.....	.....	.....
Kingston Recorder's	1	1	.....	.....	.....	1	1	1	.....	.....
Lackawanna City .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Lackawanna Recorder's	1	.....	.....	.....	1	1	.....	.....	.....	.....
Middletown Recorder's .....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....
Mount Vernon City	1	1	.....	.....	.....	1	.....	.....	.....	.....
Newburgh Recorder's	1	.....	.....	.....	.....	1	.....	.....	.....	.....
New Rochelle Special Sessions .....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....
New York City Board of Magistrates, First Division	20	20	.....	.....	.....	22	12	12	.....	.....
New York City Board of Magistrates, Second Division	29	29	.....	.....	.....	30	10	10	.....	.....
New York City Special Sessions (including Children's Court)	21	14	.....	2	5	20	7	5	.....	2
Niagara Falls Police	10	.....	.....	.....	10	4	.....	.....	.....	.....
North Tonawanda City	1	.....	.....	.....	1	.....	.....	.....	.....	.....
Ogdensburg Recorder's .....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....
Oswego Recorder's	2	.....	.....	.....	2	1	.....	.....	.....	.....
Plattsburg City	2	.....	.....	.....	2	1	.....	.....	.....	.....

[illegible]

TABLE 4D.—INVESTIGATIONS IN CASES OF WOMEN DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
IN CITIES.													
Albany Police.....	1	1	1	4	23	11	18	5	25	23	20	55	184
Auburn Recorder's.....	7	1	5	5	5	1	1	1	1	8	4	6	43
Buffalo City.....													1
Kingston Recorder's.....													5
Mount Vernon City.....				1									1
New York City Board of Magistrates, First Division.....	170	99	94	101	81	100	80	77	119	68	69	113	1,161
New York City Board of Magistrates, Second Division.....													
New York City Special Sessions, Manhattan and the Bronx.....	88	82	83	100	127	130	129	75	58	98	75	121	1,166
New York City Special Sessions, Brooklyn, Queens and Richmond.....	20	18	18	23	21	36	23	15	13	24	18	21	250
Niagara Falls Police.....	13	18	12	3	16	6	13		7	5	7	7	107
Rochester Police.....	26	27	20	35	28	39	47	38	32	42	32	38	404
Rome City.....				1			1		9		1		3
Syracuse Special Sessions.....							2				26	7	45
Utica City.....													2
Watertown City.....													3
Yonkers Special Sessions.....													3
Total for cities.....	326	247	224	273	301	324	314	214	264	272	256	371	3,386
IN TOWNS AND VILLAGES.													
Oneida County.....							1					1	2
SUPREME AND COUNTY COURTS.													
Eric Supreme and County.....	2				1	1			2			2	8
New York Supreme and County.....	21	11	3		11	8	17	3	3	9	13	1	100
Oneida Supreme and County.....				1								2	3
Total for Supreme and county courts.....	23	11	3	1	12	9	17	3	5	9	13	5	111
Grand total.....	349	258	227	274	313	333	332	217	269	281	269	377	3,499

TABLE 5A.—MONEY COLLECTED FROM PROBATIONERS IN FINES DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
IN CITIES.													
Amsterdam Recorder's	\$4 00	\$5 00	\$9 00	\$5 00	.....	.....	.....	\$35 00	.....	.....	\$24 00	\$19 50	\$43 50
Auburn Recorder's	77 00	116 50	252 50	274 00	.....	.....	.....	556 50	\$214 55	\$8 00	.....	5 00	71 00
Buffalo City	.....	.....	.....	.....	.....	\$94 00	\$74 50	14 00	30 00	180 25	290 45	156 75	2,569 75
Mount Vernon City	.....	.....	.....	.....	.....	4 00	.....	.....	.....	6 00	.....	.....	50 00
New York City Board of Magistrates, Second Division	.....	.....	.....	.....	.....	.....	.....	.....	15 00	.....	.....	.....	25 00
New York City Children's, Kings County	.....	.....	.....	.....	.....	.....	.....	.....	10 00	.....	.....	.....	10 00
Niagara Falls Police	.....	.....	5 00	7 00	.....	25 00	25 00	.....	.....	.....	25 00	.....	87 00
Rome City	.....	.....	.....	10 00	.....	35 00	35 00	.....	23 50	75 00	.....	.....	143 50
Syracuse Special Sessions	.....	11 40	21 50	5 15	10 50	4 00	6 00	5 00	2 00	12 00	1 00	.....	78 55
Utica City	75	2 00	10 00	5 00	15 00	3 00	3 00	3 00	.....	4 00	4 00	.....	49 75
Watertown City	.....	.....	2 00	2 25	3 00	.....	4 25	1 00	3 50	12 00	11 00	.....	39 00
Yonkers Special Sessions	.....	2 00	.....	.....	.....	.....	5 00	1 00	4 00	24 00	9 00	.....	45 00
Total for cities	\$81 75	\$136 90	\$300 00	\$308 40	\$311 25	\$130 00	\$152 75	\$615 50	\$302 55	\$327 25	\$384 45	\$181 25	\$3,212 05
IN TOWNS AND VILLAGES.													
Niagara County	\$9 00	\$9 00	.....	.....	.....	.....	.....	\$5 00	.....	.....	.....	.....	\$23 00
Oneida County	6 00	6 50	.....	\$6 00	\$10 00	.....	\$11 50	28 00	\$20 00	\$22 00	\$9 00	\$19 50	138 50
Saratoga Springs	.....	.....	.....	2 00	.....	\$3 00	.....	.....	.....	.....	.....	.....	5 00
Total for towns and villages	\$15 00	\$15 50	.....	\$8 00	\$10 00	\$3 00	\$11 50	\$33 00	\$20 00	\$22 00	\$9 00	\$19 50	\$166 50
SUPREME AND COUNTY COURTS.													
Erie Supreme and County	.....	.....	.....	.....	.....	.....	.....	.....	.....	\$56 00	\$28 00	\$22 00	\$106 00
Wyoming County	.....	.....	\$200 00	\$50 00	\$50 00	.....	.....	.....	.....	50 00	.....	.....	350 00
Total for Supreme and county courts	.....	.....	\$200 00	\$50 00	\$50 00	.....	.....	.....	.....	\$106 00	\$28 00	\$22 00	\$456 00
Grand total	\$96 75	\$152 40	\$500 00	\$366 40	\$371 25	\$133 00	\$164 25	\$648 50	\$322 55	\$455 25	\$401 45	\$222 75	\$3,834 55

TABLE 5B.—MONEY COLLECTED FROM PROBATIONERS IN RESTITUTION AND REPARATION DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
IN CITIES.													
Buffalo City.....	\$297 55	\$338 75	\$120 40	\$161 91	\$184 51	\$167 75	\$149 25	\$664 07	\$119 90	\$233 00	\$327 20	\$140 23	\$2,905 12
Mount Vernon City.....	2 32	3 37	55	4 00	.....	11 25	50	.....	.....	.....	.....	.....	21 99
New York City Board of Magistrates, First Division.....	.....	.....	.....	.....	50 00	100 0	17 60	.....	.....	6 00	2 00	3 00	88 60
New York City Board of Magistrates, Second Division.....	.....	70 00	.....	5 00	15 00	20 00	12 00	10 00	10 00	10 00	.....	6 00	158 00
New York City, Special Sessions, Manhattan and the Bronx.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	162 00	.....	.....	162 00
New York City Special Sessions, Brooklyn, Queens and Richmond.....	.....	20 00	24 88	.....	16 00	.....	.....	.....	.....	.....	.....	.....	60 88
New York City Children's Kings county.....	2 75	75	19 50	7 00	14 42	8 00	2 40	3 00	33 00	17 00	.....	.....	3 50
Rochester City Police.....	5 50	5 50	41 00	.....	.....	20 00	30 00	.....	13 00	.....	1 00	50	109 82
Rome City.....	4 00	4 00	15 00	1 00	15 79	22 00	11 00	8 00	.....	10 00	3 00	5 00	85 50
Syracuse Special Sessions.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7 00	64 70
Troy Police.....	8 00	14 41	1 00	6 00	6 00	4 00	17 00	12 67	7 00	.....	2 00	21 00	96 08
Utica City.....	2 50	2 50	3 00	12 50	2 50	1 00	6 18	6 66	3 00	.....	.....	.....	41 82
Yonkers Special Sessions.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total for cities.....	\$310 80	\$499 23	\$187 15	\$193 96	\$308 22	\$232 75	\$256 66	\$705 50	\$185 90	\$438 00	\$337 20	\$182 73	\$3,838 10
IN TOWNS AND VILLAGES.													
Niagara County.....	\$4 00	\$5 00	.....	\$8 00	\$8 00	\$9 70	.....	.....	.....	.....	.....	.....	\$5 00
Oneida County.....	.....	8 00	\$8 00	.....	.....	.....	\$1 50	\$4 50	.....	.....	.....	.....	45 70
Saratoga County.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6 00
Total for towns and villages.....	\$4 00	\$13 00	\$8 00	\$8 00	\$8 00	\$9 70	\$1 50	\$4 50	.....	.....	.....	.....	\$56 70
SUPREME AND COUNTY COURTS.													
Chester County.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	\$25 00	.....	\$25 00
Delaware County.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2 00
Eric Supreme and County.....	\$128 50	\$348 00	\$2,599 93	\$164 79	166 00	\$382 00	\$198 90	\$117 00	\$162 50	\$273 64	131 00	\$219 00	4,891 26
Lewis County.....	.....	.....	.....	.....	.....	.....	.....	.....	4 00	12 00	12 00	.....	60 80
Monroe County.....	.....	3 00	.....	12 60	4 50	4 00	12 70	7 25	13 00	.....	4 35	.....	60 80
Montgomery County.....	.....	.....	.....	1 50	2 00	1 50	50	.....	.....	.....	.....	.....	5 50

New York Supreme and Gen- eral Sessions.....	29 00	23 00	22 00	27 00	24 00	85 00	19 00	40 00	59 50	156 00	128 00	113 15	725 65
Oneida Supreme and County.....	.....	.....	.....	29 00	24 00	27 00	16 00	18 00	14 25	28 00	12 00	4 00	170 25
Rensselaer Supreme and County.....	.....	.....	192 00	.....	14 50	.....	.....	.....	.....	.....	.....	3 00	209 50
Wyoming County.....	.....	25 00	25 00	.....	25 00	25 00	25 00	25 00	25 00	.....	.....	.....	175 00
Totals for Supreme and county courts.....	\$157 50	\$399 00	\$2,838 93	\$234 29	\$262 00	\$524 50	\$272 10	\$207 25	\$278 25	\$467 64	\$312 35	\$351 15	\$6,304 96
Grand total.....	\$472 30	\$911 23	\$3,034 08	\$436 25	\$578 22	\$766 95	\$530 26	\$917 25	\$464 15	\$905 64	\$649 55	\$533 88	\$10,199 76

TABLE 5C.—MONEY COLLECTED FROM PROBATIONERS FOR SUPPORT OF FAMILIES DURING 1911.

COURTS.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Month unstatd	Total.
IN CITIES.														
Amsterdam Recorder's.	\$148 02	\$119 65	\$129 90	\$122 60	\$164 60	\$165 70	\$309 50	\$137 00	\$124 35	\$166 15	\$145 00	\$22 25		\$22 25
Auburn Recorder's.				\$122 60	\$164 60	\$165 70	\$309 50	\$137 00	\$124 35	\$166 15	\$145 00	\$22 25		\$22 25
Buffalo City.	1,192 55	1,115 28	1,037 04	1,143 30	1,501 25	1,236 46	1,406 19	1,161 50	1,180 50	1,322 95	1,309 70	1,150 64		1,878 42
Cortland City.												32 00		14,757 36
Elmira Recorder's.											5 00			32 00
Ithaca City.														5 00
Mount Vernon City.		3 00	3 00	4 75				51 50	15 50	14 00				81 00
New York City Board of Magistrates, First Division.						70 00		11 30	21 20	55 56	91 36	73 05		263 22
New York City Board of Magistrates, Second Division.	1,937 83	2,046 78	2,097 77	2,143 80	3,479 38	3,170 91	3,871 10	4,179 86	4,202 17	5,944 52	5,533 63	5,509 14		*265 00
Oswego Recorder's.	4 00													44,121 69
Plattsburgh City.	311 34	290 34	270 00	262 34	572 67	299 00	264 00	282 00	320 00	441 00	279 00	21 00		584 51
Rochester Police.	12 50	38 00		54 00	72 00	97 50	90 00	84 00	130 50	157 00	136 00	379 00		3,970 69
Rome City.												192 50		1,054 00
Syracuse Special Sessions.		164 50	295 00	380 00	968 78	835 00	675 50	901 50	684 00	743 00	672 00	830 00		6,822 26
Utica City.	28 50	73 50	69 00	47 50	44 00	45 50	115 00	117 20	177 00	135 00	41 00	39 00		832 20
Yonkers Special Sessions.	79 00		52 00	65 00	35 00	32 50	41 50	46 00	100 00	110 00	150 00	207 00		993 00
Total for cities.	\$3,713 54	\$3,960 55	\$3,957 71	\$4,276 29	\$6,881 16	\$6,016 57	\$6,842 29	\$6,737 36	\$7,109 22	\$9,166 44	\$8,428 94	\$8,696 53		*\$75,786 60
IN TOWNS AND VILLAGES.														
Clinton County.	\$6 00													\$6 00
Oneida County.	35 00	\$57 50	\$44 00	\$42 00	\$45 00	\$96 50	\$100 50	\$151 00	\$118 00	\$112 00	\$94 00	\$98 50		994 00
Saratoga Springs.	10 00													10 00
Total for towns and villages.	\$51 00	\$57 50	\$44 00	\$42 00	\$45 00	\$96 50	\$100 50	\$151 00	\$118 00	\$112 00	\$94 00	\$98 50		\$1,010 00
SUPERIOR AND COUNTY COURTS.														
Erie Supreme and County.	\$424 50	\$412 50	\$416 00	\$390 54	\$471 55	\$465 50	\$435 00	\$384 00	\$462 00	\$597 00	\$503 62	\$666 00		\$5,878 21
New York Supreme and General Sessions.	113 00	116 00	116 00	70 00	94 00	101 00	110 00	137 00	121 00	154 00	162 00	166 00		1,460 00
Queens County.													\$100 00	100 00
Total for Supreme and county courts.	\$537 50	\$528 50	\$532 00	\$460 54	\$566 55	\$566 50	\$545 00	\$521 00	\$583 00	\$751 00	\$665 62	\$832 00		\$7,438 21
Grand total.	\$4,302 04	\$4,546 55	\$4,533 71	\$4,978 83	\$7,491 71	\$6,679 57	\$7,537 79	\$7,409 36	\$7,810 22	\$10,029 44	\$9,188 56	\$9,627 03		*\$84,254 81

* These figures do not include \$12,136.85 collected in non-support cases from probationers in the Manhattan Domestic Relations Court by the New York City Department of Charities.

TABLE 5D.—TOTAL MONEY COLLECTED FROM PROBATIONERS DURING 1911.

	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Month unstarted.	Total.
Fines.....	\$96 75	\$152 40	\$500 00	\$366 40	\$371 25	\$133 00	\$164 25	\$648 50	\$322 55	\$455 25	\$401 45	\$222 75	.....	\$3,834 55
Restitution.....	472 30	911 23	3,034 08	436 25	578 22	766 95	530 26	917 25	464 15	905 64	649 55	533 88	.....	10,199 76
Support of families..	4,202 04	4,546 55	4,533 71	4,978 53	7,491 71	6,679 57	7,537 79	7,409 36	7,810 22	10,029 44	9,188 56	9,627 03	\$100 00	*84,234 81
Total.....	\$4,871 09	\$5,610 18	\$8,067 79	\$5,781 48	\$8,441 18	\$7,579 52	\$8,232 30	\$8,975 11	\$8,596 92	\$11,390 33	\$10,139 56	\$10,383 66	\$100 00	*\$98,260 12

* These figures do not include \$12,135.85 collected in non-support cases from probationers in the Manhattan Domestic Relations Court by the New York City Department of Charities.

TABLE 6A.—PROBATION OFFICERS.

PROBATION OFFICERS HOLDING APPOINTMENTS DECEMBER 31, 1911.					PROBATION OFFICERS APPOINTED IN 1911.					
COURTS.	Holding appoint- ments.	Salaried from public funds.	Detailed from other branches of the public service.	Salaried from private funds.	Volunteers.	Probation officers discharging duties in 1911.	Number positions filled.	Salaried from public funds.	Salaried from private funds.	Volunteers.
In Cities.										
Albany Police.....	4	1	.....	.....	3	3	1	1	.....	.....
Albany Special Sessions.....	1	1	.....	.....	1	1	1	.....	.....	.....
Amsterdam Recorder's.....	1	1	.....	.....	.....	.....	.....	1	.....	.....
Auburn Recorder's.....	1	1	.....	.....	1	1	.....	.....	.....	.....
Binghamton City.....	1	.....	.....	.....	163	122	44	.....	.....	.....
Buffalo City (including Children's Part).....	169	5	1	.....	.....	.....	.....	.....	.....	44
Cohoes Recorder's.....	2	.....	.....	.....	2	2	1	.....	.....	.....
Cortland City.....	1	.....	.....	.....	1	1	.....	.....	.....	.....
Dunkirk Municipal.....	3	.....	.....	.....	3	3	3	.....	.....	.....
Elmira Recorder's.....	4	.....	.....	.....	4	4	1	.....	.....	.....
Gloversville Recorder's.....	2	.....	.....	.....	2	2	.....	.....	.....	.....
Hudson City.....	1	1	.....	.....	1	1	.....	.....	.....	.....
Ithaca City.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....
Jamestown Police.....	5	.....	.....	.....	5	7	2	.....	.....	.....
Johnstown Recorder's.....	1	1	.....	.....	.....	2	.....	.....	.....	.....
Kingston Recorder's.....	1	1	.....	.....	.....	1	1	1	.....	.....
Lackawanna City.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Middleton Recorder's.....	1	.....	.....	.....	1	1	.....	.....	.....	.....
Mount Vernon City.....	1	1	.....	.....	1	1	.....	.....	.....	.....
Newburgh Recorder's.....	1	.....	.....	.....	1	1	.....	.....	.....	.....
New Rochelle Special Sessions.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York City Board of Magistrates, First Division.....	20	20	.....	.....	.....	22	12	12	.....	.....
New York City Board of Magistrates, Second Division.....	29	29	.....	.....	.....	30	10	10	.....	.....
New York City Special Sessions (including Children's Court).....	21	14	.....	2	5	20	7	5	.....	2
Niagara Falls Police.....	10	.....	.....	.....	10	4	.....	.....	.....	.....
North Tonawanda City.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....
Ogdensburg Recorder's.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....
Oswego Recorder's.....	2	.....	.....	.....	2	1	.....	.....	.....	.....
Plattsburg City.....	2	.....	.....	.....	2	1	.....	.....	.....	.....

	2	..	..	..	..	2	2	311	97	33	62
Poughkeepsie City.....	2	..	..	..	..	..	2	1	..	..	..
Rochester City.....	2	..	..	..	..	..	2	2	..	..	..
Rochester Police.....	2	2	..	..	..	..	1	1	..	..	..
Rome City.....	2	..	..	..	..	..	2	2	..	..	..
Schenectady Police.....	1	..	..	..	..	..	1	1	..	..	..
Syracuse Special Sessions.....	110	..	..	..	..	108	2	51	8	..	7
Troy Police.....	2	..	..	..	..	2	2	2	1	..	1
Utica City.....	2	..	..	..	..	..	..	2	1	..	..
Watervliet City.....	2	..	..	..	..	..	..	2	2	..	..
Westvliet Reformatory.....	2	..	..	..	..	2	2	2	2	..	..
Yonkers Recorder's Office.....	24	..	..	..	..	22	22	10	1	..	..
Yonkers Special Sessions.....	24	..	..	..	..	22	22	10	1	..	..
Total.....	438	86	1	2	349	311	97	33	62	..	..
IN TOWNS AND VILLAGES.											
Albion.....	1	..	..	..	..	1	1	1	..	..	..
Ausable Forks.....	1	..	..	..	..	1	1	1	..	..	..
Belliston Spa.....	1	..	..	..	..	1	1	1	..	..	..
Bethany.....	1	..	..	..	..	1	1	1	..	..	..
Barnus Point.....	1	..	..	..	..	1	1	1	..	..	..
Cheam Falls.....	1	..	..	..	..	1	1	1	..	..	1
Clarendon.....	1	..	..	..	..	1	1	1	..	..	..
Corinth.....	1	..	..	..	..	1	1	1	..	..	..
Fairport.....	2	..	..	..	..	2	2	1	..	..	..
Green Island.....	1	..	..	..	..	1	1	1	..	..	..
Hastings-on-Hudson.....	3	..	..	..	..	3	3	1	..	..	..
Hobart.....	1	..	..	..	..	1	1	1	..	..	..
Le Salle.....	1	..	..	..	..	1	1	1	..	..	..
Malone.....	2	..	..	..	..	2	2	1	..	..	..
Newark.....	1	..	..	..	..	1	1	2	..	..	..
Norwich.....	..	..	..	..	..	..	..	1	..	..	..
Oakfield.....	..	..	..	..	..	..	..	1	..	..	..
Owego.....	..	..	..	..	..	..	..	1	..	..	..
Penn Yan.....	1	..	..	..	..	1	1	1	..	..	..
Port Chester.....	1	..	..	..	..	1	1	1	..	..	..
Potter.....	1	..	..	..	..	1	1	1	..	..	..
Rotterdam.....	1	..	..	..	..	1	1	1	..	..	..
Savona.....	1	..	..	..	..	1	1	1	..	..	..
Scottville.....	1	..	..	..	..	1	1	1	..	..	..
Stafford.....	1	..	..	..	..	1	1	1	..	..	..
St. Johnsville.....	1	..	..	..	..	1	1	1	..	..	..
Sweden.....	1	..	..	..	..	1	1	1	..	..	1
West Sand Lake.....	1	..	..	..	..	1	1	1	..	..	..
Total.....	31	..	..	..	..	31	23	3	3	..	3

[illegible]

APPENDIX B.

REPORT OF AN INVESTIGATION OF THE PROBATION WORK IN THE BUFFALO CITY COURT DURING AUGUST AND SEPTEMBER, 1911, BY THE SECRETARY OF THE STATE PROBATION COMMISSION.*

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* This report refers especially to methods and needs. The findings in the investigation of the accounts of Chief Probation Officer Kelly have been reported by the secretary directly to the judges of the Buffalo City Court.

The investigation, of which the following is a report, referred only to adult probation work in the City Court, and did not pertain at all to the probation work in the Children's Court.

At the time this investigation began there were four salaried probation officers in the adult parts of the Court, viz.: Probation Officers Kelly, Boorman, Kennelly and Wiley. The resignation of Chief Probation Officer Kelly, which was handed in on August 12, took effect on September 1, 1911. Probation Officer Wiley succeeded him in this position on the same date.

STATE OF NEW YORK,
STATE PROBATION COMMISSION,

ALBANY, September 14, 1911.

To the Members of the State Probation Commission:

DEAR SIRS.—I respectfully beg to lay before you my findings and recommendations in an investigation of the probation work in the City Court of Buffalo made at the direction of Commissioner Wade, chairman of the committee on investigation, during the latter part of August and the forepart of September.

Origin and Purpose of the Investigation. The inquiry pertained to the general operations of the probation system among adult offenders. The purpose of the inquiry was to be in a position to advise with Chief Probation Officer Wiley who had been appointed to succeed Chief Probation Officer Kelly on and after September 1. The inquiries were made with the approval of Chief Justice Brennan and were greatly facilitated by his cordial co-operation and that of the probation officers. Judge Brennan and the various probation officers stated that they would be pleased to receive recommendations concerning improvements.

The investigation included interviews with all of the paid probation officers and with certain volunteer probation officers; an inspection of their records, reports and methods of accounts; the observation of the procedure and practice in the courts, and of the methods of the probation officers in dealing with the investigation of defendants and with probationers; an examination of the docket records and of other records in the court pertaining to probation work; informal interviews with some persons on probation, and certain outside inquiries. The investigation was carried on with the assistance of Mr. Flinn and Mr. Munger of our Albany office.

The report which I submit herewith reviews the methods used in the adult probation work in the City Court and suggests a number of desirable improvements. I have already reported orally to Judge Brennan and to Chief Probation Officer Wiley and the other probation officers concerning certain respects in which the probation service might be strengthened.

General Conditions. The investigation showed marked progress in the operations of the probation system in the Buffalo City Court in a number of regards. The judges have been in thorough sympathy with the probation work as is shown by the large numbers of defendants placed on probation. The court opened on January 1, 1910, and during the first year placed 821 adults on probation. During the first eight months of 1911, the number thus dealt with was 545. The judges have also used probation extensively as a means of requiring men convicted of non-support to provide for the support of their families, and of collecting restitution, reparation and fines in instalments in other cases. The extent and methods followed in these uses of the system are referred to in more detail later. The Buffalo City Court has done pioneer work in these respects and the judges are entitled to commendation for their desire to test and develop these uses of the probation system.

Great good has been accomplished through the work of the probation officers, and they too are entitled to special credit for their willingness to work hard under circumstances that have often been discouraging. I refer to the fact that all of the probation officers have been greatly overburdened with work. This has been due to the fact that large numbers of cases of defendants have required investigation, and that large numbers of those convicted have been suitable for probationary treatment, and that in the absence of an adequate corps of probation officers, it has been necessary for each of the probation officers to accept more cases than he has been physically able to attend to. The shortcomings which I discovered in the probation service were principally due to the inadequate number of probation officers. Most of the other imperfections discovered were due to the inefficiency and negligence of former Chief Probation Officer Kelly concerning whom I have previously reported. Chief Probation Officer Wiley entered upon his new duties with an earnest desire of extending and improving the probation service and he will undoubtedly succeed. If the fiscal authorities of the city will make the necessary appropriations for the enlargement of the probation force, and if such other recommendations as are hereinbelow suggested are adopted,

the prospects for the continued and even larger success of the probation system in the Buffalo City Court are bright.

Office Quarters. The office quarters are located on the first floor of the City Court Building and entered only through a court room. They consist of two rooms. The larger room, measuring approximately 13 by 27 feet, has been partitioned off so as to provide three small private offices, each office being assigned to a different probation officer. The rest of the room is used as a general waiting room. The smaller room is the office of the chief probation officer. The partitions to the three small private offices are about 7½ feet high and this leaves a high open space at the top which makes it possible for persons in the general waiting room or in any of the private offices to hear at times what is said in any of the other private offices. On several occasions while in the general waiting room or in the office of the chief probation officer, I overheard the conversation between one or another of the probation officers and the probationers or other persons who were in the probation officer's offices. The conversation often referred to matters that should have been treated as confidential.

The office quarters are at times much crowded. At 11:35 a. m., August 16 (which was an especially busy time since there was only one probation officer in the office), there were the following persons in the probation office: 1 probation officer, 2 policemen, 6 other men, 8 women and 5 children, a total of 22. The office contained only 15 chairs so 8 of the persons had to stand. At 12:25 p. m. there were 21 persons in the office, including 9 women and 4 children. One woman waited 55 minutes to see Probation Officer Kennelly. Some of the women were talking to each other about their domestic troubles.

The two telephones, located in one corner of the general waiting room, are used by outsiders, especially by police officers. There is no booth telephone, and there are no desk telephones in any of the private offices. This makes it possible for the telephone conversations to be overheard.

The probation officers have no specified office hours, but most of the probation officers, however, are in their office practically all of the morning, except when required to be in the court room. Probation Officer Boorman is in his office very little in the morning

and very little during the early part of the afternoon, since he has been obliged to call the calendar in Part IV.*

Preliminary Investigations. Preliminary investigations are made in practically all cases placed on probation in the Domestic Relations Court. The cases in this Part are usually adjourned for a day or two to permit the probation officer to visit the home and make the necessary inquiries. In the other parts, particularly in Part IV, persons are not infrequently placed on probation without preliminary investigations. Probation Officers Wiley and Kennelly are assisted in making preliminary investigations by three or four different volunteer probation officers. The paid officers and these volunteers are frequently obliged to work until late at night making their inquiries. Probation Officer Boorman is unable to make as many investigations as the other officers because he is required to stay in Part IV most of the day to call the calendar. When he makes preliminary investigations, he sometimes makes them by requesting one or more members of the defendant's family to come to the probation office.

The reports of preliminary investigations are written on the blanks furnished by the State Probation Commission and are usually shown to the judge in open court. The probation officers often supplement the written reports by oral statements made in open court. The reports of the investigations in cases which are not followed by probation, are seldom if ever preserved by the probation officers.

Reports by Probationers to Probation Officers. Most of the adults on probation are required to report to their respective probation officers at the probation office each Monday evening between 7 and 9 o'clock. Certain probationers who cannot conveniently report at that time are permitted to make their reports during the day time on week days, or in some instances, on Sunday morning. Women probationers, as a rule, are not required to report on Monday evenings.

According to the statistical reports of the probation officers, they had over 500 persons under their supervision on August 30th.

* Part IV tries defendants charged with misdemeanors, and examines those charged with felonies. Part V tries cases of domestic relations. Part VI tries violations of local ordinances — particularly cases of public intoxication, vagrancy and disorderly conduct.

Some of these have absconded, but have not yet been so reported; some are excused from reporting every week; others are required to report at other times than Monday night. If the remainder of the probationers reported regularly once a week the number reporting on any Monday evening would probably approximate 350 or 400.

I was in the probation office when reports were received by the probation officers on August 28th and September 4th. On August 28th, the following number of probationers reported:

Probationers under Probation Officer Kelly	8
Probationers under Probation Officer Boorman	50
Probationers under Probation Officer Kennelly	31
Probationers under Probation Officer Wiley, about	60
Total, about	149

Probation Officer Kelly was not in his office to receive reports and his probationers reported to Probation Officer Boorman. Probation Officer Boorman arrived in his office at 6:58 p. m. and by 7:06 p. m. (eight minutes) he had received reports from 16 probationers. Probation Officer Kennelly arrived at the office at 7:01 p. m. and by 7:06 p. m. (five minutes) he had received reports from 10 probationers. I did not time the reports made to Mr. Wiley. For the most part the reporting seemed perfunctory on the part both of the probation officers and the probationers. A number of probationers paid money to the probation officers, and in at least one instance the probation officer simply gave the probationer a receipt, and there was absolutely no conversation between the officer and the probationer.

I was impressed also by the fact that the manner of receiving reports permitted too much mingling among the probationers, and did not afford sufficient privacy when the probation officers were talking with probationers. At one time there were 12 probationers present in the general probation office. Some of the probation officers said that they sometimes had over 100 probationers report to them on a Monday night; and I was informed that on most

Monday nights fifty or more probationers often congregate at one time.

There was not sufficient privacy when the probationers went into the office of their respective probation officer to make their report. In some instances three or four probationers would be in one of these private offices at the same time.

While I was sitting in Probation Officer Wiley's office a probationer came in and said he wished to talk with Mr. Wiley privately, so I left the room. In a few minutes I returned and found this probationer and three other probationers in the room. The doors of the private offices were kept open all the evening, but had they been closed, the conversation between the probation officer and the probationer in many instances could have been heard outside, owing to the lowness of the partitions. Four probationers after reporting to their probation officers stood on the front steps of the courthouse talking with each other for more than a quarter of an hour. This mingling is especially bad when it is known that a large proportion of those on probation are young and susceptible to the evil influences of older offenders. (An inspection of the conviction book in Part IV showed that 89 out of 173 persons placed on probation were under 21 years of age.)

The court room in which Part VI is held, is used as a waiting room for probationers on Monday nights, but there was very little need of it on the two nights I attended these report meetings. This room was not lighted and the corridors were only dimly lighted. At one time the wife of a probationer sat in the waiting room for half an hour or more, waiting for her husband.

Most of the probationers in reporting kept their hats on. At one time ten probationers were in the office, and all but one had their hats on. This one was a 16-year old boy who had committed burglary. A number of the probationers continued their smoking while making their reports. The probation officers also were smoking while receiving the reports.

The only records made concerning those who reported were in most cases the entry of the probationers' names on a sheet of paper. Those who reported to Mr. Wiley and to Mr. Kennelly were to be later checked off on a big sheet containing the names of all those on probation under the respective probation officers.

Home Visitation and Aid. We did not learn of a single visit being made by a probation officer to the home of a probationer while the investigation was in progress, except that in two, and possibly one or two other instances, a paid probation officer went out to arrest a probationer who had been reported as having violated his probation; and that in four or five cases a volunteer officer was requested by Mr. Wiley to visit the homes of probationers where trouble had been reported. Probation Officer Wiley said that he did not have time to visit the homes of probationers except when he learned that there was trouble in the home. In these instances he is often obliged to send a volunteer (usually Mr. Chase, Mr. Miller or Mr. Zahm) to make the inquiries. Probation Officer Boorman said that he was unable to visit probationers more than once or twice during their probation (which, in most cases, is for a six-months period). These visits are usually made while he is in the neighborhood making preliminary investigations. In some cases, he makes no visits to the home. Probation Officer Kennelly is also unable to visit the homes of probationers except when their conduct is reported as unsatisfactory, or when he happens to be in their neighborhood making other investigations.

I heard of very little being done by the probation officers in the way of getting employment for probationers and helping them in practical ways.

No District System. At present the probation cases are assigned according to the different parts of the court, thus Probation Officer Wiley receives cases only from Part V, Probation Officer Boorman only from Part IV, and Probation Officer Kennelly only from Parts V and VI. As a result, the cases of each probation officer are widely scattered throughout the city. Each of the probation officers, for instance, might have a different person on probation on the same street. Unnecessary duplication of territory could be avoided, and economy in time and effort, greater familiarity with persons and local conditions, and greater effectiveness in work, could be secured were the city divided into districts with one or more probation officers assigned to each district. Under this system, the probation officer or officers in any particular district would receive on probation all persons living in that district, regardless of the part of the court in which they were convicted.

Probationary Period. The average period of probation is six months. The period is sometimes left unstated by the judge, and in such instances it is usually understood to be for six months. The period is sometimes extended by the judge, particularly in Part V.

The probation officers at times keep persons under supervision and require them to report at the probation office and to make money payments, long after their probationary period, as fixed by the court, has expired. If it is desirable that the probationary oversight be continued in these cases, as undoubtedly it is, it would seem important to have the periods legally extended by the court.

Probation Officer Kelly, without authority from the court, sometimes discharged persons from probation before the expiration of the period named by the court.

Violations of the Probationary Conditions; Summons; Warrants; Arrests. In the absence of more frequent visitation and more outside work by the probation officers, it is impossible for them to learn as promptly and uniformly as they should concerning violations of the probationary conditions. For their knowledge of violations they depend in many cases upon the complainants. With the large numbers of cases under the probation officers, it is also impossible for them always to deal with violations as promptly as they should. My observations and inquiries led me to believe that in many cases there is too much laxity in trying to learn about and dealing with violations.

The arrests of probationers for violations are usually made by the probation officers personally without process. In arresting probationers, without securing a warrant, they would seem as a rule to exceed their authority.

Formerly the police department was accustomed to arrest probationers upon the telephone or personal request of a probation officer, but this practice has been stopped by Superintendent Regan who now insists upon having a warrant. The warrant clerk of the court has a book in which he has kept records of all warrants issued by the court, but lately warrants have sometimes been signed by different judges without being entered in the warrant clerk's book. The probation office contains no complete list

of the outstanding warrants. When a warrant is issued it is sent to the police headquarters, and from there to the proper precinct station. The detectives and patrolmen attached to the precinct station are informed of the warrant, and are supposed to arrest the probationer if they can locate him. According to the probation officers, the police do not always give as much attention to such warrants as they should. In some instances when a warrant is issued, the probation officer requests the policeman who originally arrested the probationer to make a special effort to re-arrest the probationer. According to reports made to me, difficulty is sometimes experienced in having the police go to the expense and trouble of arresting probationers who are outside of the city.

The Buffalo City Court Act permits the issuance of a summons process in certain cases where a complaint is made, and this has been used more or less in probation cases, particularly when it seems possible by this means to secure the appearance of the probationer in court without the issuance of a warrant. A record of all summons issued is kept in the office of the warrant clerk. An inspection of the summons book on August 19, 1911, showed the following number of summons issued at the request of the different probation officers, and the numbers reported in the clerk's book as "returned."

	Issued.	Returned.
Probation Officer Kelly	3	1
Probation Officer Boorman	2	1
Probation Officer Kennelly	7	0
Probation Officer Wiley	51	11
Probation Officer Pfeiffer	2	2
Probation Officer Markham	4	4
Probation Officer Merkin	1	1

It is probable that an entry has not always been made in the clerk's book when a summons is returned. Some of these summons reported as issued at the request of probation officers are reported as issued, not for violations of probationary conditions, but for other offenses. Two of the summons issued at the request of Probation Officer Kennelly were for disorderly persons and two for vagrants. Nineteen of the summons issued at the

request of Probation Officer Wiley were for disorderly persons, 1 for disorderly conduct, 2 for public intoxication, and 7 for an unstated offense. These may or may not have been for violations of probation. The probation office contains no list of the summons issued or outstanding.

In some cases probationers are brought before the court by one means or another as many as three or four times for violations. It is usually undesirable to have probationers brought before the court for violations of the conditions of their probation, unless it is impossible for the probation officer to deal with them effectively by other means. Some of those brought before the Domestic Relations Court for violations of their probationary conditions, could probably be dealt with by the probation officers personally if they had fewer persons on probation.

Absconders. The reports made by probation officers to the State Probation Commission for 1910 showed 55 adults as absconded, and those made for the period between January 1 and September 1, 1911, showed 24 adults as absconded. Actually, however, the number of absconders is in excess of these statistics since some of the probation officers carry absconders along on their records without reporting them as such, in the hope that they may later be able to locate and recover them. Other absconders are entered on the dockets and reported as "discharged from probation without improvement." (On the other hand, the records of former Chief Probation Officer Kelly showed a number of probationers as absconded who had not absconded. Some of those whom he had marked on his records as absconding were living within a few blocks of the City Court where they might have been seen by him at almost any time.) In many cases the probation officers have failed to request any warrant for the arrest of absconders. Inquiries indicated that in a number of cases where the probationers had absconded, no preliminary investigation had been made by the probation officers. In some instances the defendants had given fictitious names and addresses.

Subdivision 4 of section 11-a of the Code of Criminal Procedure, as amended in 1910, authorizes courts to extend the probationary period of absconders so as to include all of the time that the probationers are in hiding or outside the jurisdiction of

the court. This enables the probation officers to secure the re-arrest of an absconding probationer after his original probationary period has expired. The probation officers in the City Court have never availed themselves of this provision, and consequently the jurisdiction of the court over most of the absconders has been permitted to expire with the expiration of their original probationary periods. Many of the absconders whom the probation officers have not reported as absconding, have passed from the jurisdiction of the court.

Revocation of Probation; Commitment; Discharge. Statistical reports made by the probation officers to the Commission show that during 1910, 61 adult probationers were committed to institutions on account of violations of their probation or for new offenses; and that between January 1 and September 1, 1911, 65 adult probationers were similarly committed. These statistics, however, do not include a number of so-called temporary commitments. These have been made particularly by Part V. Some of the probation officers state that it is often found that a refractory probationer after being sent to the penitentiary for a few days and being then continued on probation, observes his probation better than he otherwise would do. In some instances probationers have been thus temporarily committed more than once while on probation. According to Chief Probation Officer Wiley, this practice is followed as being the next best substitute for a regular commitment which would have the unfortunate result of leaving the offender's family without his support.

There seems to be no uniform practice concerning the discharge of probationers. Some probationers are discharged without any formality, while others are brought before the judge in his private office to be discharged. Certain judges sometimes set apart a certain evening when they discharge a number of probationers, making each discharge, however, separately and privately.

Releases from Penitentiary on Probation. Section 75 of the Buffalo City Court Act provides as follows:

"Any adult person convicted of any offense or misdemeanor and committed by the court or any judge thereof to the penitentiary or other penal institution, or to any reformatory

may be released prior to the termination of his sentence by an order made by a majority of the judges, and the reasons for such release, and the names of the judges ordering the same, shall be set forth in said order and filed in the office of the clerk of the court."

A printed form of certificate has been provided by the court for use in making such releases. A copy of each certificate of release is sent to the administrative head of the institution from which the prisoner is released, and another copy is preserved in the office of the chief clerk of the court. The system is not in use so far as I know except in the case of the prisoners confined in the Erie County Penitentiary. An inspection which I made of the certificates in the office of the chief clerk during the latter part of August showed that since the establishment of the court 42 prisoners had been thus released and that 10 of the releases had been upon the condition that the prisoners be placed under the care of a probation officer. Many of those released under a probation officer had been committed to the penitentiary in default of the payment of a fine, and when released they were required to pay the balance of their fine through the probation officer. Probation Officers Boorman, Kelly and Kennelly had received such cases. Several of the persons thus placed on probation failed to pay their fines as required while on probation.

This sort of probation is not specifically provided for by law. It is a sort of an unofficial parole. While from a moral and social standpoint it would seem to be proper and desirable to place such persons, if they have been wisely released, under the oversight of a probation officer, it is questionable whether this should be done when the probation officers have such large numbers of straight probation cases under their care as at present. According to the probation officers, those released from the penitentiaries are usually harder to look after than the straight probation cases. Placing such persons under the probation officers at present means either that such persons will not receive as close oversight and as much help as are needed, or that if they do, the straight probation cases will have to be correspondingly neglected.

Docket Records. No uniform practice prevails as to the entries made in the dockets in probation cases. When a defendant is

placed on probation, the docket entry sometimes is simply the word "probation;" again it reads "suspended sentence and probation;" and in other cases, it states the fact of probation and the length of the probationary period. In a few cases the docket shows the name of the probation officer.

When probationers have been required to pay a fine while on probation, the docket always gives the amount of the fine and sometimes the size of the instalments to be paid, but it does not always state that the defendant has been placed on probation. When a probationer has been ordered to pay restitution or reparation, the fact and the amounts of the payments to be made, are often omitted from the docket. In other cases the docket shows restitution but not probation. When defendants have been placed on probation to make payments for the support of their family, the usual entry is the word "probation," or "placed on probation." In many cases, however, the docket states that the probationer is to pay his wages at home or through the probation officer, and in some cases the docket specifies the specific amount to be paid each week. In some cases the docket shows that the payments made to the probation officer are to be delivered to the superintendent of the poor. (These cases are where the probationer is required to support his children who are public charges in hospitals or other institutions.)

It seems customary when a probationer is returned to court for violating his probationary conditions to make a separate docket entry for each such appearance in court. Thus some probationers during a single probationary period may be entered in the docket under three or four different docket numbers.

Records and Reports of Probation Officers. The probation officers use the folders and many of the forms supplied by the State Probation Commission, but they do not use them in all respects as recommended by the Commission. For instance, the index cards which are intended to act as a finding list for locating any desired folder, and which are supposed to be kept in alphabetical order, are kept by some of the probation officers in numerical order, the same as are the folders. This, of course, destroys the serviceableness of the index cards as an index to the folders. Other probation officers file the index cards inside their respective folders.

Each probation officer has a separate series of numbers for his folders. There are often three or four folders bearing the same number but located in different drawers. There is no general index to the folders. Two of the probation officers use the same index book, but the names in it are not classified as minutely as they should be. Another officer has no index to his folders. Chief Probation Officer Kelly had a large index book, but it contained the names of only a small proportion of his cases. The folders containing the records are kept in steel filing cabinets, different probation officers having different drawers.

The office is equipped with trays for 5 by 8 index cards, but the trays have never been used. The office contains no list of the cases assigned to the different probation officers; no chronological list of the cases placed on probation, or of those whose probationary period ends in any one month; no list of the cases according to streets or districts, etc.

On account of the condition of the records and the lack of an index to all cases, it has sometimes happened that the same person has been on probation at the same time under two probation officers, and sometimes under different names, without the fact being known.

The records contained in the folders are usually a report of the preliminary investigation (if one has been made), an index card or a card of the conditions of probation (one or the other of which cards is sometimes marked with check marks to indicate when the probationers have reported to the probation officer); memoranda on various kinds of paper; letters, and in some cases, receipts, certificates of conviction, etc. The case history blank, one of the most important forms provided by the Commission, appears to have been unused in this court. Most of the records are written with pen. In many cases, particularly those of Polish persons, the spelling of the names is difficult; often in fact the probationers themselves do not know how to spell their own names. The result is that the spelling of names in the dockets, conviction books, and the probation records are often at variance. In using an index of names, it is especially important that the spelling be unmistakable and if possible correct, and that the same spelling be followed throughout. As nearly as I could learn, the probation officers have

practically discontinued making monthly written reports to the judges concerning those under their care. The law requires such reports.

Although the filing cabinets in which the folders are kept, are provided with a key, the cabinets are left unlocked. During my stay in Buffalo, I saw women — evidently the wives of probationers — who had come in to call on the probation officers, looking over an index book and fingering some of the folders.

Collection of Fines from Probationers. Following the recommendations previously made by the State Probation Commission, the judges of the City Court of Buffalo have required defendants in many cases to pay fines in instalments while on probation. Probation Officer Boorman seems to have been especially successful in securing the payments of the fines as required by the court.

As noted elsewhere in this report, the entries made in the docket when persons are placed on probation to pay fines do not always indicate that the fines are to be paid during probation. The court sometimes fixes the amount and frequency of instalments required, while in other cases these are left discretionary with the probation officer. According to statements by the probation officers some of the probationers are unable to make the payments in the amounts or at the times required by the court or by the probation officer, and under such circumstances the probation officer usually exercises leniency toward the probationer. The probation officers do not report regularly to the court concerning the payments made by probationers. In some instances, when the probation officers have reported that probationers in Part VI are unable to pay their fine as required, the judge who placed such persons on probation has excused the probationer from making the payments, and the docket has been marked to the effect that the probationer has been discharged without improvement.

Those who drafted the law permitting probationers to pay fines in instalments intended that the fines should be earned by the probationers and that in this way the innocent members of the probationers' families should be spared from the necessity of paying the fines out of their own means. It would appear, however, that in some cases the instalments are paid by the hard-working parents or wives of probationers. Probation officers

should insist upon the payments of fines being made from the probationers' own earnings. Whether this can be done should be ascertained in advance of the order requiring their payment. This presupposes preliminary investigations by the probation officers.

The law authorizing courts of special sessions to require probationers to pay fines in instalments did not go into effect until September 1, 1910. The law (Code of Criminal Procedure, § 11-a) provides that "It shall be the duty of every probation officer . . . to keep accurate and complete accounts of all moneys collected from probationers, to give receipts therefor and to make at least monthly returns thereof." The Buffalo City Court has provided each of the paid probation officers who supervise probationers required to pay fines in instalments, with a ledger book in which he is supposed to keep complete accounts of all collections and disbursements of fines. In the spring of 1911, the court placed in the probation office a machine on which all probation officers were required to write their receipts for all fine money received by the probation officers. The machine was equipped with a printed form of receipt blanks numbered serially. When a receipt is written on the machine, two additional carbon copies are made. The original receipt is required to be given to the probationer, the duplicate is to be retained by the probation officer, and the triplicate remains in the machine until it is taken out by the chief clerk. The probation officers were directed to turn over all fine moneys to the chief clerk of the court weekly, and to receive from the chief clerk a receipt for the amount delivered to him. The chief clerk also receives from the clerk of each part of the court a card showing the name of each defendant placed on probation to pay a fine; the amount of the fine, and the name of the probation officer. The chief clerk keeps a ledger account of each such fine.

Some months ago, Chief Justice Brennan gave directions that thereafter the chief clerk should make a monthly report to each judge showing the status of the accounts in each case of a person placed on probation by such judge to pay a fine. The practice in this regard has been for the chief clerk to give each probation officer a statement concerning all of his probationers who were delinquent in the payment of their fines, and to require the proba-

tion officer to explain the reasons for such delinquencies. The probation officers have then made reports to the chief clerk, and the chief clerk has delivered these reports to the respective judge. It would appear, however, that these monthly statements have not been made regularly. The only such reports on file in the office of the chief clerk were for the months of April and June, 1911.

The chief clerk's office is supposed to make an entry in the docket whenever a fine is paid in full, but this is not always done. In some cases on the other hand, entries are made on the docket for each instalment paid by a probationer.

The system devised to keep track of fine moneys paid through probation officers would probably have prevented any errors or defalcations by Chief Probation Officer Kelly had it been followed up as was intended. Unfortunately, however, the accounts were not entered promptly or truthfully in the ledger kept by Probation Officer Kelly. Furthermore, the reports by the probation officers have not been made to the clerk each month as they should. Probation Officer Kelly failed in many cases to use the receipt machine as required, and made dishonest reports to the clerk. The failure of another probation officer to keep his accounts up-to-date has led in one instance to a probationer paying \$11 on a fine of \$10, and to another man being discharged after paying only \$9 on a \$10 fine.

None of the probation officers keep a cashbook.

Probation Officer Boorman is to be commended for having his accounts in excellent shape. Probation Officer Wiley does not collect any money in fines.

In some cases the probation terminates as soon as the fine is paid.*

Restitution and Reparation. Following the recommendations of the State Probation Commission, the judges of the City Court of Buffalo have also established the practice of requiring probationers in certain cases to pay restitution or reparation to the complainant, usually through the probation officer. When a probationer is required to pay restitution or reparation, the fact

* Under the heading above, "Persons Released From Penitentiary," a reference is made to the collection of fines by probation officers from persons released from the penitentiary.

and the amount may or may not be entered in the docket, and if it shows that restitution or reparation is required it may not state the amount. In other cases the docket refers to restitution, but does not state that the person is placed on probation.

The restitution in some cases is paid in open court, and in other cases directly to the complainant. When this is done receipts are not always required.

When the restitution is to be paid in instalments, the amount and frequency of the instalments are fixed sometimes by the court, and sometimes by the probation officer. Often the amount of the restitution is determined after a defendant is placed on probation. In some instances there is a disagreement between the probationer and the complainant as to the amount of restitution which may properly be required. In such cases some of the probation officers require the complainant to present an itemized bill, and then bring the probationer and the complainant together in conference. The amount of restitution or reparation to be required in such cases is sometimes decided without the approval of the court. In some cases, as of larceny, the amount of restitution required may exceed the amount which the defendant was specifically charged, in the complaint, with having stolen. Thus a person who had stolen property to the value of \$30 might have been arrested on the charge of having stolen property to the value of \$20, and might have been convicted of stealing \$20. When it comes to paying the restitution, however, the probationer might admit that he had stolen \$30, and then be required to pay restitution to the amount of \$30. In one of Mr. Kelly's restitution cases, after his removal, it was found by Probation Officer Wiley that the complainant had sought to collect about \$8 more from the probationer in restitution than had been stolen.

After restitution or reparation has been paid by a probationer, in part or whole, to the probation officer, the probation officer usually requests the complainant to call at the probation office for the money. The payments are very seldom mailed by the probation officer to the complainant. Probation Officer Boorman reported a case in which the complainant did not know that restitution was to be paid. This was a case where a person had broken a window in property owned by the William Simonds

Brewery Company. The Brewery Company was represented in court by one of its employees who had evidently failed to report to the company that any restitution was to be made.

The receipt machine is not used for restitution or reparation payments. Practically the only restitution cases were those under Probation Officers Kelly and Boorman. Mr. Kelly had no records of any payments in such cases other than a few receipts, but these did not cover all of the moneys that he had received. The accounts of Probation Officer Boorman were in good shape. He had a ledger, but no cashbook. When payments are made by probationers directly to the complainant, Probation Officer Boorman requires the probationer to show him or give him a receipt signed by the complainant. No reports concerning restitution or reparation accounts are made to the clerk of the court, and no regular reports are made to the judges.

As in the cases of fines, I found that in some instances the payments are made by other persons than the probationers, as for instance, by hard-working mothers. In the case of a man probationer required early in 1911 to pay restitution, the man paid \$3 and his mother (who had seven other children and who seemed to be a poor woman) paid \$150. In some cases, the probation terminates as soon as the restitution is made.

Non-Support Cases. Nearly half of those placed on probation in the City Court are placed on probation on the charge of non-support. Judge Nash, who has presided almost continuously in this court, deserves great credit for his painstaking efforts to make the probation work a success. Great praise is also due to Probation Officer Wiley for his work in dealing with these cases. He attends to most of the cases in this Part. There is enough work in this Part to occupy the entire time of four or five probation officers.

Judge Nash almost always adjourns domestic relations cases for a day or two in order to permit a probation officer to investigate whether the defendants are suitable for probation. When placed on probation, the period is usually six months, subject to subsequent continuations.

The probationer may be required either to pay his wages over to his wife each week at home or through the probation office, or in other instances, to pay a stipulated amount each week either at

home or through the probation office. In cases where the probationers are required to pay a specified amount through the probation officer, the probation officer gives a receipt to the probationer for each payment. The wife or some other member of the family is notified to come to the probation office after the money. After the payments have been made for a week or two, the wife gets in the habit of calling at the office regularly, usually on Tuesday following the Monday night payments. When the money is delivered to the wife, she is required to sign the stub left in the probation officer's receipt book after the receipt has been given to the probationer. When the wife or any other member of her family is unable to call at the City Court, the payments are sometimes sent to her by post-office money order. It is often a hardship for the wives to go to the City Court after their money. Sometimes they are obliged to wait there for a long time before the probation officer is able to see them.

Except in a few instances, the probation officers keep no ledger accounts of the payments and disbursements in non-support cases. They have no books for this purpose, nor do they keep any cashbooks. The two probation officers who make collections in non-support cases sometimes collect several hundred dollars on a single night. Probation Officer Wiley deposits the moneys collected by him in the chief clerk's safe. Probation Officer Kennelly carries the moneys collected by him home with him, or about on his person. Neither officer has a bank account for such moneys.

Through the lack of ledger accounts, it is impossible for a probation officer to tell how much probationers are back in their accounts, or how much is due to the family except by going through the receipt books and adding up the payments and disbursements. This may involve going through several hundred receipts and would occupy considerable time. Some probationers during our investigation asked Probation Officer Kennelly how much they owed, and his reply was that he would tell them next week. In cases where probationers are required to pay their wages through the probation office, the probation officer asks the probationer at the time of his weekly report as to the amount of his earnings during the week. If the probationer chooses to make a false statement, the probation officer probably does not discover

the fact in most cases. Many of the probationers report that they have been out of work during the past week, or have been able to work only a few days. In many cases, of course, the wife would complain to the probation officer if the husband claimed to have been out of work when he had not been out of work, and if he paid through the probation officer a smaller amount than he ought to have paid; but such complaints are probably not made in all cases.

In cases where probationers are ordered to pay their wages at home, the probation officers do not require the probationers to show receipts, signed by the wives, to the effect that the payments have been made. The probation officers request the probationers to state, when they report on Monday night or at other times, the amount of their wages earned during the preceding week and the amount turned over to the wife. The probationers often report that they have retained some of the wages for their own uses. In the absence of visits by the probation officer to the home, the probation officer cannot always tell whether such reports by the probationers are correct, nor can he always depend upon the wife to complain if the payments are not made as they should be. Often the wife is too busy or otherwise unable to write or to get anyone else to write to the probation officer. During our investigation a probationer reported to the probation officer that he had paid a certain amount during the preceding week to his wife, and a few days later the wife called at the probation office and reported that the payment made by the probationer to the wife was smaller than reported by the probationer to the probation officer. In one instance, a probationer had not paid anything to the wife.

When probationers fail to make payments as required, and the probation officer reports the facts to the court, the court often continues the probation and increases the size of the weekly payments required until the arrears are paid up. The probation officers, so far as learned, do not make any regular reports to the court as to the arrears of the different probationers. When probationers required to pay their wages to the family are unemployed the family is left destitute, and the probationer, I believe, is not usually required to pay anything for such periods.

The probation officers in their reports to the State Probation Commission have reported the amounts of money paid in non-

support cases by probationers directly to their families. We learned that these amounts are only estimated. When a probationer reports to the probation officer that he has paid a certain amount at home, the probation officer, except in rare instances, does not preserve a written statement of the amount.

In many cases the payments are made through the mail, and the conditions of probation are considered as satisfactory as long as the payments are made regularly. Some men placed on probation for not supporting their families are kept on probation after their original probationary period has ended. This suggests the desirability of having longer probationary periods in some cases.

There is not enough home visitation and enough constructive work by the probation officers in the domestic relations cases. This is due to the fact that the probation officers are over-burdened with cases. Furthermore, there is much work to be done in such cases in the way of improving home conditions, which can be done only by a woman.

Women Defendants and Probationers. The number of women placed on probation in Buffalo is exceedingly small. The women on probation do not receive the careful oversight they require. The men probation officers dislike to supervise women probationers, and cannot do so effectively. It is also found difficult for a man to investigate the cases of women defendants. The cases of women probationers are sometimes referred to women volunteers, but this form of service has not been organized and is insufficient. The appointment of at least two salaried women probation officers is exceedingly important.

Foreign Speaking Defendants and Probationers. A large proportion of the defendants and probationers are unable to speak or understand English. A large proportion of such cases are of Polish persons. None of the probation officers speak Polish. It is practically impossible for a probation officer to do effective work with a probationer unless they can talk with each other freely in the same language. A probation officer is also handicapped, as a rule, in making a preliminary investigation unless he can converse with the defendant and other persons from whom he seeks information.

Volunteer Probation Officers. The adult parts of the City Court use the services of very few volunteers. The regularly appointed volunteers are three or four men, most of whom desire to become salaried probation officers. They do not receive probationers directly under their oversight, but assist Probation Officers Wiley and Kennelly in making investigations of defendants, in calling at the homes of probationers when violations are reported, and in arresting probationers. Some, and possibly all of these volunteers, have been sworn in as special policemen. Two volunteer probation officers formerly used in similar ways were dropped during the spring of 1911 on the charge of improper conduct.

In cases of women, the assistance of a woman captain of the Salvation Army, the matron of the City Court detention quarters, and possibly other women, has been used; but none of these have been officially appointed probation officers. No systematic or regular reports are required from such assistants.

It would appear that no strong efforts have ever been made to secure an adequate force of volunteers for adult cases.

Non-Resident Probationers. Defendants living outside of Buffalo are sometimes placed on probation, I believe, when it is known that they expect to leave the city. Such persons, if placed on probation, either should be required to reside in Buffalo, or they should be assigned to probation officers living in their home communities. The Code of Criminal Procedure provides for transferring such probationers, but so far as I know, this has never been done in the Buffalo City Court.

The probation officers sometimes permit resident probationers to leave the city without securing the consent of the court.

Since the purpose of this report is chiefly to indicate ways in which the probation system may be improved, it is devoted principally to a description of its defects and weaknesses. No system in the State, or in any State, is without defects; and the first step in correcting them is to describe them. Did space permit, as much could be said of its strong points and its successes. The criticisms made should not be considered as a criticism of either the judges or of the probation officers, except in so far as the weaknesses are due

to former Chief Probation Officer Kelly's negligence and wrongdoing. The weaknesses due to other causes are explained by the newness of the system, and the smallness of the probation staff.

Recommendations. On the basis of the foregoing, I respectfully submit the following suggestions and recommendations:

1. That the judges of the City Court should request the fiscal authorities of the city to make appropriations sufficient for the employment of at least three additional men and two women probation officers, and two stenographers, one of whom should act also as registrar, cashier and bookkeeper.

2. That the judges of the City Court should request the fiscal authorities of the city to increase the salary of the chief probation officer.

3. That Probation Officer Boorman should be relieved of calling the calendar in Part IV and should be allowed to give his entire time to probation work. The installation in the probation office of an electric bell which could be rung by a button on the judge's bench would enable the judge to call Mr. Boorman or any other probation officer when needed.

4. That the chief probation officer be permitted to give his time principally to administrative duties. These would include such duties as these: attending to correspondence; superintending the keeping of records and accounts and the making of reports; directing the work of the other probation officers; securing and training volunteers; organizing the probation work according to districts; securing the co-operation of probation officers in other parts of the State, and of other agencies in Buffalo; studying the needs of the system; compiling statistics and an annual report; looking after newspaper publicity, etc.

5. That many of the details concerning the organization and operations of the probation system can best be regulated through the adoption by the judges of a set of rules and regulations. These rules should refer to such matters as the special duties of the chief probation officer; the methods to be followed by the probation officers in making investigations, in supervising probationers, and in dealing with violations; the manner of keeping records and accounts, and making reports; the administration of the probation office, etc.

6. That the Monday night meeting at which probationers report should be changed as early as possible so as to lessen the mingling of probationers, and to increase the value of the interviews between the probation officers and their probationers. During the immediate future and until the additional probation officers are secured, the congestion at the Monday night report meetings could be lessened by requiring many of the probationers to report at other times.

7. That as soon as the additional probation officers recommended above are secured, the city should be divided into districts, and that probationers, so far as practicable, should be assigned to probation officers according to a district plan. The number of districts should not be too large. The proper number and the proper boundaries of the districts could be determined by a study of the district plan followed by the Charity Organization Society and of the geographical distribution of the probation cases.

8. That after the district plan is established, it would probably be desirable to have a branch office in one or more of the outlying districts, and to have the reports by probationers from such districts received at such branch offices. Such an office need be open only at certain times. The rent and other expenses would be small. So far as possible the probation officers assigned to the several districts should endeavor to build up a neighborhood work, in the sense of securing the co-operation of all the social and constructive agencies in their respective districts.

9. That as soon as the additional probation officers recommended above are secured, there should be a great increase in the frequency with which the probation officers visit the probationers in their homes and make inquiries concerning them from other sources. This is perhaps the most important phase of probation work. Probation officers should also do more in the way of finding employment for probationers, improving their home conditions, and helping them in other practical ways.

10. That the probation officers should not continue persons on probation after the period fixed by the court has expired, nor should they shorten the periods without the consent of the court. Section 11-a of the Code of Criminal Procedure contemplates that the periods of probation shall be determined by the court

rather than by the probation officer. The cases now under the probation officers should be reviewed to learn in what cases the probationary period has expired, and such persons should be considered as no longer on probation.

11. That violations of the probationary conditions should be inquired into as early and as thoroughly as possible. Inquiries concerning violations by probationers under the paid probation officers should be made if possible by the paid officers rather than by the volunteers. Probationers alleged to have violated their probation should, if possible, be investigated before a summons or a warrant is issued, and if practicable, the violations should be dealt with by the probation officers personally in order to avoid the unnecessary arrest or appearance of the probationer in court. In some cases violations can be dealt with most effectively by bringing the probationer before the judge in his private office rather than in the open court.

12. That pending the amendment of the law so as to authorize probation officers to arrest probationers without warrant, it is desirable that probation officers avoid arresting probationers without a warrant.

13. That the chief probation officer should keep a list of all summons and warrants issued for probationers, and should secure the fullest degree of co-operation between the police department and the court in executing warrants. The list of cases in which summons and warrants have been issued should be reviewed by the chief probation officer frequently in order that such probationers may not fail of arrest on account of the negligence of the police or of the probation office.

14. That every effort should be made to decrease the number of probationers who abscond, and if possible, to recover those who abscond. It is desirable that the probation officers, in cases of absconders, request the court to extend their probationary period (as provided by subdivision 4 of section 11-a of the Code of Criminal Procedure). Probationers who abscond should be so reported by the probation officers, instead of being declared "discharged without improvement."

15. That, except in rare instances, defendants should not be placed on probation without preliminary investigations by the probation officers. Such investigations would reduce the number

of absconders and of those who otherwise violate their probationary conditions.

16. That probation officers in making preliminary investigations should not be content, as they have sometimes had to be, with interviewing defendants and other members of their family in the court or the probation office. The probation officers should make as many inquiries as practicable outside. They should visit the home of the defendant in almost every case; they should make discreet inquiries from former employers and various other persons concerning the habits, character, abilities and characteristics of the defendants, and they should ascertain, if possible, their previous police, court, institutional, and charitable record.

17. That the written reports of preliminary investigations in the cases of those not placed on probation, should be preserved and filed by the probation officers.

18. That it would be very helpful to the probation officers if the card index of defendants kept in Part VI of the court were kept in alphabetical order so as to afford a means of quickly discovering whether defendants have been before the court previously.

19. That it is questionable whether prisoners released from the penitentiary should be placed under the supervision of the probation officers when these officers are as busy as at present.

20. That the docket entries in probation cases should be more uniform. The use by the court of a form of "probation order" would make it unnecessary for the docket to give more than the fact of probation, since the "order" could contain all other facts, such as the period and conditions of probation (including any payments required from the probationer). It would seem unnecessary when a probationer is returned to court for violating his probation to enter the fact in the docket under a separate docket number. If any entry is to be made in the docket, it should preferably be under the original docket number. Any modification in the period or conditions of probation or any transfers to another probation officer, could be entered on a "probation order." When a probationer is discharged or otherwise passes from probation (as by commitment to an institution) the fact should be entered on the docket.

21. That the probation officers should have a more uniform and more complete system of records in the probation office at the City

Court. This should include a card index of all probationers and a single series of numbers running through the folder records. There should be a book showing the names of all probationers in chronological order. There should also be the necessary special indices, showing for instance, the probationers assigned to each district or each probation officer, and the probationers whose period expires in any given month. Each probation officer should be required to keep a history of each probation case on the history blank furnished by the State Probation Commission. So far as possible the records and especially the index cards should be typewritten.

After the district system is established the folder records of active cases should be kept in the office of the respective district until the case is finished, after which it should be sent to the central bureau of records in the City Court.

22. That all probation officers should make monthly reports to the proper judges and to the chief probation officer concerning those on probation under their care, and so far as necessary the reports should be supplemented by oral explanations. With the proper system, such written reports would require very little time.

23. That the records should be under the direct supervision of the registrar, whose duties would include seeing that they were properly made out and properly filed. The records should be kept locked when not in use.

24. That it is desirable that before defendants are placed on probation to pay a fine in instalments, the probation officer make a preliminary investigation to ascertain the financial conditions in the family in order that the fine may be fixed at such an amount as not to entail undue financial hardship on the part of the probationer or his family. The preliminary investigation would also disclose whether the fine could be paid by the probationer without the aid of innocent members of his family or of other persons.

25. That the probation officers should not be unduly lenient with regard to the payments of the fine. The arrears of probationers should be reported with proper frequency to the chief probation officer and to the proper judge in order that if necessary the conditions concerning the payments may be modified, or that the probationer may be brought before the court for failing to observe the conditions of his probation.

26. That each person placed on probation to pay a fine should be given a written statement of the amount of the payments required; a copy of the official receipt blank on which the probation officers are required to write all receipts, and printed instructions that he is to receive such a receipt for each payment. The probationer should also be orally instructed concerning his probation and the payments by the chief probation officer, who, so far as practicable, should be the one to assign him to a probation officer. The docket should contain the entry of the amount of the fine.

27. That the chief probation officer should keep a chronological list of all fines imposed upon probationers. This list should be numbered serially and a duplicate copy should be furnished to the court. The cashier should make out a loose leaf ledger page for each probationer required to pay a fine, and should give the page the serial number included in the above named chronological list. This loose leaf page should be given to the probation officer and should be kept in its serial order in a loose leaf ledger containing similar ledger pages for other cases. The payments by probationers should be made directly to the probation officer, who should have the ledger account easily available for purposes of reference. The probation officer should make out receipts in triplicate for each payment. The original receipt should be given to the probationer or his agent, a carbon receipt should be given to the cashier and bookkeeper, and the other carbon copy should be retained by the probation officer. Within twenty-four hours the probation officer should turn over all moneys collected by him to the cashier and bookkeeper. The receipts should be printed with the name of the chief probation officer at the bottom and with a space beneath for the signature of the probation officer who acts as the agent of the chief probation officer in receiving payments. The cashier and bookkeeper should act as the agent of the chief probation officer and should give a receipt signed by the cashier to each probation officer for all moneys turned over by him to such cashier and bookkeeper. Whenever no probation officer is in the office to receive moneys from probationers they should be received by the cashier. The cashier and bookkeeper as soon as possible should enter each payment in the cashbook and also in the ledger accounts of the several probation officers. No

entries should be permitted by any probation officer. The cashier and bookkeeper should deposit all moneys received in a bank in the name of the chief probation officer as trustee. All disbursements, so far as practicable, should be made by check, all disbursements made by check being signed by the chief probation officer.

28. That if probation districts are established and payments are made to probation officers who have an office elsewhere than at the City Court building, each such probation officer should keep his own ledger account of all payments made to him and a duplicate ledger account should be kept by the cashier and bookkeeper at the City Court office. Disbursements in cases of fines and restitution should be made from the central office in the City Court. Disbursements in cases of family support should be made from the central office or from the district office, according to circumstances.

As soon as an account kept at a district office is finished, the ledger page, which has been kept by the probation officer, should be compared with that kept by the cashier and bookkeeper and if they agree, only the page kept by the cashier and bookkeeper needs to be preserved.

29. That as soon as fines are paid in full, or accounts are otherwise closed, the ledger pages should be transferred to the custody of the cashier and bookkeeper who should bind them for permanent preservation.

Each month the chief probation officer, through the cashier and bookkeeper, should make a report to the court concerning all fine accounts, and his report should be supplemented by such explanations as may be required from the several probation officers.

30. That all recommendations made above with reference to fines be followed, so far as practicable, in cases where probationers are required to pay restitution or reparation.

31. That the amount of the restitution be fixed by the court after such inquiries and conference with the complainant and the probationer as may be necessary; and that the complainant and the probationer receive a written statement of the amount of restitution required.

32. That all collections of restitution be turned over by the probation officers to the chief probation officer or cashier and be sent as soon as possible by the chief probation officer to the com-

plainants by check. When a probationer pays restitution or reparation directly to a complainant, the probationer should receive duplicate receipts, one of which he should keep and one of which he should give to the probation officer. The receipt blanks should be furnished to the probationer by the probation officer.

33. That so far as practicable all recommendations above concerning fines, restitution and reparation, be followed in cases of non-support.

34. That the probation officers require receipts for all payments made by probationers directly to their families.

35. That in cases where the non-support is aggravated and where it is difficult for the wife or any member of the family to call on the probation officer for the weekly payments, the probation officers, so far as practicable, should endeavor to deliver the money personally to the family, or send it by check, money order or some other means.

36. That women's cases be assigned only to women probation officers.

37. That in the cases of probationers who are unable to speak the English language the probation officers should secure the assistance of persons who speak the language of such probationer. When necessary an effort should be made to secure volunteer probation officers who can speak the language of the probationer.

38. That the force of volunteer probation officers be increased; that they be chosen with great care, and that they be carefully instructed and supervised.

39. That all volunteers be required to make regular reports concerning probationers, and that if certain volunteers cannot be induced to look after cases properly, they be removed from office. That the volunteers should be called together frequently for conference concerning the treatment of cases.

40. That whenever possible probationers permitted to live outside of Buffalo be transferred to the oversight of probation officers living in the community to which they go.

41. That the probation officers secure the consent of the court before permitting probationers to leave the city for any substantial length of time.

Respectfully submitted,

ARTHUR W. TOWNE,

Secretary.

APPENDIX C.

RECOMMENDATIONS TO THE JUDGES OF THE BUFFALO CITY COURT.

STATE OF NEW YORK

STATE PROBATION COMMISSION.

BUFFALO, September 30, 1911.

Hon. William P. Brennan, *Chief Judge*; Hon. Simon A. Nash, Hon. George E. Judge, Hon. Devoe P. Hodson, Hon. Albert A. Hartzell, Hon. Peter Maul, *Associate Judges, City Court, Buffalo, N. Y.*

Dear Sirs.—The State Probation Commission, through its secretary and other employees, inquired during the latter part of August and the early part of September into the various phases of the probation work among adult offenders in the City Court of Buffalo. The inquiries showed much progress in the use of probation in adult cases in Buffalo since the City Court opened on January 1, 1910. The reports of probation officers indicate that while the number of adults placed on probation in the morning and the police courts during 1909 was 637, the number placed on probation in the City Court during 1910 was 821, and the number thus dealt with in the City Court during the first eight months of 1911 was 545. The probationary treatment has not only had beneficial effects upon the offenders placed on probation, but it has also been a source of economy to the city and county, especially in avoiding the expense of maintaining prisoners in correctional institutions. It is earnestly hoped that these benefits may be further increased through the means hereinafter recommended.

The City Court is to be especially commended for establishing a separate part devoted to domestic relations cases, and for its careful use of probation in such cases. This is probably the first such court or such part of a court ever established, and its success has unquestionably had much to do with the subsequent estab-

lishment of domestic relations courts in New York City, Chicago and other places. Nearly one-half of those placed on probation in the Buffalo City Court have been convicted of not supporting their families. Those placed on probation for this cause are required to make payments for the support of their families, either directly to members of their family or through the probation officers. During the year preceding the establishment of the Domestic Relations Court, the collections in the Police Court from probationers convicted of not supporting their families were reported as amounting to \$1,741.90. During 1910, the probation officers in the Domestic Relations Part of the City Court reported collections in this class of cases amounting to \$13,262.78; and during the first eight months of 1911, they reported collections of \$9,793.57. In addition, those placed on probation in this part are estimated to have paid during 1910 over \$40,000 directly to their families, and to have paid during the first eight months of the present year over \$31,000 directly to their families. The value of this phase of the probation service is inestimable.

The judges of the City Court are to be commended also for greatly extending the practice of requiring offenders placed on probation to pay, in suitable instances, restitution for property stolen, to make reparation for injuries and damages caused by their offenses, and to pay fines in instalments. The court, by requiring offenders who have stolen or damaged property or who have injured the person of the complainant, to make restitution or reparation to the aggrieved party, brings about results which could not be secured either by imprisoning or fining the offenders. Not only is the victim of the offense recompensed for his loss or injury, but the offender is taught a lesson of great practical value and is also benefited by the helpful influence exercised by the probation officer. During 1909 the probation officers in the Police Court collected \$109.94 in restitution. The collections in the City Court were reported as \$2,789.72 during 1910, and \$1,057.56 during the first eight months of 1911.

Inquiries by the Commission indicate also that very positive good has been accomplished by permitting certain defendants to pay their fines in instalments while on probation. Without this privilege, the offenders would be obliged in most instances to

suffer imprisonment through their inability to pay the fine in a single sum. Such imprisonment in many cases would deprive the innocent families of the earnings of their bread-winners. The reports made to this Commission show that the probation officers in the morning courts collected \$642.75 in fines during 1909, and that the probation officers in the City Court during 1910 collected \$979.25, and that during the first eight months of 1911 they collected \$1,449.75.

While the State Probation Commission notes with great pleasure these evidences of progress in the operations of the probation system in the City Court of Buffalo, it is at the same time strongly impressed with the fact that the present number of salaried probation officers is altogether inadequate. The probation staff of the adult parts of the court now consists of a chief probation officer and three assistant probation officers, each of whom is paid a salary of \$1,200. On and after January 1, 1912, the probation officer now serving at a similar salary in the Children's Court will be available for the adult parts of the court. On July 31, 1911, each of the four salaried probation officers in the adult part of the City Court had an average of 130 offenders under probationary care. This represents about the average number under the care of each probation officer at any given time. Adding the number of persons on probation at the beginning of the year to the number that will be placed on probation during the present year, the four paid probation officers serving in the adult parts of the court will have had under their care during part or all of the year a total of more than 1,300 probationers.

Those on probation are widely scattered in different parts of the city. Each offender has special needs and presents special difficulties. Some of the probationers have been convicted a number of times previously. The periods of probation usually last for six months, and sometimes for a year or more. During this period, the probation officer, as a rule, should see each probationer at least once a week, and he should visit the homes of the probationers and make inquiries in their neighborhood and from other sources at frequent intervals. The probation officer must sometimes devote several hours in the same week to a single case. If the probation officers had no other duties than to supervise and

aid those on probation, it would be physically impossible for them to give the necessary attention to the large numbers of cases that are now assigned to their care, but to make the situation more difficult their time is in large part occupied with other duties.

During the morning hours and part of the afternoon hours, the probation officers are obliged to be in court or in their office for the purposes of interviewing defendants and witnesses, reporting to the judges concerning investigations of defendants and concerning the conduct of probationers, receiving calls from probationers and other persons, and attending to their correspondence, records, reports, accounts and other duties. After the court adjourns, the probation officers are obliged to go to different parts of the city for the purpose of inquiring into the history, character and surroundings of defendants about whom the judges desire information before deciding whether to place them on probation or to dispose of their cases otherwise. A single investigation of this sort sometimes necessitates calls at a half dozen or a dozen different addresses. The reports of probation officers in the morning and police courts during 1909 showed that the number of men and women defendants investigated in those courts during that year was 578. During the first year of the City Court, the number of men and women defendants investigated was 2,597 and during the first eight months of the present year, the number was 1,625. The work of making preliminary investigations is one of the most important duties imposed upon probation officers, and we are highly gratified to observe the steady increase in the number of such investigations in the Buffalo City Court. It is obvious, however, that the present staff of probation officers cannot be expected to make these preliminary investigations in the manner they should be made, and at the same time properly supervise those placed under their probationary care.

The paid officers have been assisted to a small extent by volunteer officers. The selection, training and oversight of such volunteer workers, if carried out to the extent desirable, would entail additional duties of a supervisory and organizing nature on the part of one or more of the paid probation officers, but despite this fact it is desirable that the volunteer service be greatly increased. Regardless of the supplementary work that may be done by volun-

teers, however, the urgent need of employing the additional salaried probation officers recommended, remains.

For the reasons stated above, the State Probation Commission strongly urges that the judges of the Buffalo City Court request the common council to make appropriations for the employment, as early as possible, of at least three additional men probation officers, and at least two women probation officers. Those appointed should possess very positive personal qualifications for performing probation duties, and the salaries should be sufficient to secure persons of the requisite qualifications.

At present the City Court has no salaried women probation officers. The few women who are placed on probation do not receive the careful attention they require. Many other women, both before and after conviction, are deprived of the benefits that would come through the employment of a woman probation officer. Women offenders ought not to be supervised by male probation officers. The cities of New York, Rochester, Syracuse, Utica and Watertown employ a total of about forty women probation officers.

We recommend also that the judges of the City Court request the common council to make appropriations for the employment of two stenographers, to devote their entire time to the work of the probation office, one of whom shall also act as a registrar, cashier and bookkeeper. The employment of these stenographers would greatly economize the time of the probation officers, and enhance the quality of the probation service.

The best development of the probation system requires that the chief probation officer, as his title implies, should be the executive head of the probation system. We therefore recommend that the chief probation officer give his time principally to the organizing and administrative sides of the probation service. The importance of his office makes it desirable that the salary attached to it should be increased, and we trust that this will be done.

Certain changes might advantageously be made in a number of the details of the organization and operation of the probation system. This could be done through the adoption by the court of a set of rules and regulations. More uniformity and certain improvements are desirable in the systems of records, reports and accounts of probation officers, and we advise that the judges and the chief probation officer give these matters their attention.

The present practice of requiring large numbers of probationers to report at this central office on Monday evenings is open to criticism. We recommend that the congestion and mingling of probationers at such times be lessened as much as possible. This can be done by setting apart additional hours for such reports, and, as soon as practicable, by having some of the probationers report at other places than at the City Court.

Summarizing the above recommendations and suggestions, the State Probation Commission respectfully recommends:

1. That the judges of the City Court request appropriations from the common council for the employment, as early as possible, of at least three additional male and two female probation officers; two stenographers, one of whom shall act also as registrar, cashier and bookkeeper; and for an increase in the salary of the chief probation officer.

2. That the chief probation officer give his time principally to the administrative duties of his office.

3. That the use of volunteers be increased.

4. That the judges adopt a set of rules and regulations concerning the organization and operations of the probation system.

5. That the systems of records, reports and accounts of probation officers be revised.

6. That the personal reporting of probationers to their probation officers be made at such times and places and in such a manner as will lessen the mingling of the probationers.

Very respectfully submitted,

FRANK E. WADE,

Acting President.

Attest: ARTHUR W. TOWNE,
Secretary.

APPENDIX D.

PROBATION RULES OF THE CITY COURT OF BUFFALO.*

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Rule 1. Chief probation officer. The chief probation officer, subject to the direction of the judges, shall be the administrative head of the probation department of the court. He shall superintend the work of all other probation officers; require them to observe the provisions of the probation laws and of these rules; keep informed concerning their work and conduct, and report in writing to the judges concerning negligence, incompetency or misconduct on the part of any probation officer; secure and instruct volunteer assistants; have general charge of the probation office and its clerical force; attend to the official correspondence of the department; superintend the making of reports by proba-

* Prepared upon the request of the judges of the City Court by the State Probation Commission.

tion officers, and the keeping of records and accounts; oversee all financial transactions of the office; secure the co-operation whenever necessary of officials and other persons and agencies in Buffalo and other parts of the State; compile statistics; publish an annual report; and perform such other duties as are prescribed in these rules and as may properly devolve upon him. He shall study the needs of the probation system, and when necessary make recommendations to the judges for its improvement. On or before the first day of February of each year, the chief probation officer shall file with the chief justice a statement of the appropriations which will be needed by the probation department for the ensuing fiscal year. Whenever the chief probation officer is absent from the office for any substantial length of time he shall designate some other probation officer as acting chief probation officer.

Rule 2. Probation officers. All salaried and all volunteer probation officers shall observe all the provisions of the probation laws and of these rules, and shall obey all instructions and orders of the chief probation officer, provided that the chief probation officer shall not make unreasonable demands on the time or convenience of volunteers. All salaried probation officers shall devote their entire time to probation work, and shall engage in no other business or profession. Whenever any salaried probation officer is incapacitated by illness or is otherwise unable to perform his duties, except during vacation, he shall immediately notify the chief probation officer; and any volunteer probation officer who is to be out of the city for more than two weeks, shall also notify the chief probation officer. Each salaried probation officer shall have an annual vacation of two weeks.

All probation officers shall respect the rights of defendants, probationers and other persons, and shall at all times treat them with due courtesy and consideration. No probation officer shall represent to any person that by virtue of his office he possesses any powers or rights which he does not possess. No salaried probation officer shall recommend any attorney or bondsman to any defendant or any representative of any defendant; and no salaried probation officer, except the chief probation officer, shall request the release of any prisoner under the provisions of section 75 of the Buffalo City Court Act. No probation officer shall do

any proselyting or interfere in any way with the religious beliefs or practices of defendants or probationers; or use his position for political or partisan purposes.

Rule 3. Office and Office Hours. The office of the probation department shall be in the City Court building, and shall be open daily from 8:30 a. m. to 4 p. m.; on Sundays and legal holidays from 8:30 a. m. until the last session of the court closes; and at such other times as the chief probation officer shall direct. The chief probation officer shall post a notice of the office hours in a conspicuous place, and shall see that some representative of the probation department is in the office at all times during the office hours.

Rule 4. Supplies and Expenses. All supplies for the probation department shall be ordered and distributed by the chief probation officer. Each probation officer shall keep an itemized account of all expenses incurred in the performance of his official duties, and on the first day of each month shall submit to the chief probation officer a bill, duly sworn to, for the preceding month's expenses. No such bill shall be paid unless approved in writing by the chief probation officer.

Rule 5. Preliminary Investigations. Unless otherwise directed by the court or judge, the assignments of probation officers to make preliminary investigations concerning defendants shall be made by the chief probation officer. The reports of probation officers on preliminary investigations shall be in writing, and shall state the source from which the information was obtained. So far as desirable and practicable the probation officer making an investigation shall appear personally before the court or judge to explain or supplement the written report. Unless otherwise ordered by the court or judge, a copy of all reports of preliminary investigations shall be filed in the probation office.

Rule 6. Placing Defendants on Probation. No defendant, unless well known by a judge or probation officer, shall be placed on probation until after a preliminary investigation by a probation officer. Unless a probation officer is in the court-room when a defendant is placed on probation, or can be called to the court-room, the probationer shall at once be taken by a court attendant to the office of the chief probation officer. The chief probation officer, or, in his absence, some other probation officer, as soon

as possible thereafter, shall instruct the probationer concerning the probation, and shall give him a written statement of the period and conditions of his probation. If the probationer has been ordered by the court to pay moneys, while on probation, in the form of a fine, family-support, restitution or reparation, the chief probation officer, or probation officer, shall instruct the probationer concerning the payments he is to make, and shall furnish him with a copy of the official receipt he is to receive for each payment. The chief probation officer, unless otherwise directed by the judge, shall designate the probation officer who is to supervise the probationer and shall arrange for an early meeting between the probation officer and the probationer. The chief probation officer, with the consent of the proper judge, may at any time transfer a probationer to another probation officer. Male probationers shall be placed only under the supervision of male probation officers, and female probationers only under the supervision of female probation officers.

Rule 7. Period and Conditions of Probation. Unless otherwise directed by the court or the judge placing a defendant on probation, the probationary period shall be determined by the chief probation officer and shall be at least six months, subject to such modification as the court or judge may subsequently order.

The conditions of probation shall be fixed by the court or judge, unless in their discretion they authorize the chief probation officer to fix such conditions as are reasonable and just; provided, however, that the conditions fixed by the chief probation officer shall not be effective for more than one week, unless approved by the judge who placed the defendant on probation, or in his absence, by another judge.

Rule 8. Supervision and Aid of Probationers. Each probation officer, so far as practicable, and unless otherwise directed by the chief probation officer, shall visit each probationer under his care at least once a month, and shall require each such probationer to report in person to him at least weekly. The chief probation officer shall see that the reporting by probationers to the probation officers is carried on in such a manner as will secure proper privacy and will minimize the mingling of probationers. No female probationers shall report at the probation office while male proba-

tioners are reporting. No probation officer shall request any probationer to take a pledge without the approval of the judge who placed the person on probation or of the chief probation officer.

Rule 9. Probationers not to Leave Jurisdiction Without Permission. No probationer, unless so authorized by the court or judge, shall be permitted to leave the jurisdiction of the court for more than two days without written permission from the chief probation officer, and the chief probation officer shall grant such permission only when it seems consistent with the purposes of probation and important for the welfare of the probationer or for other valid reasons. The chief probation officer shall preserve a record of all probationers permitted to leave the jurisdiction of the court, and if they are to remain away for more than one month he shall employ such means as seem most practicable to maintain supervision over them while outside of such jurisdiction. So far as practicable, he shall request the co-operation of probation officers in the jurisdictions to which such probationers remove.

Rule 10. Violations of Probationary Conditions; Absconders. All violations or alleged violations of the probationary conditions shall be promptly investigated by the probation officer supervising the probationer. If the probation officer finds the violation to be serious, or if he has reason to believe that a probationer has absconded or otherwise disappeared, without permission, from probationary oversight or the jurisdiction of the court, he shall forthwith report the facts to the chief probation officer.

Rule 11. Summons; Warrants; Arrests. If it seems important to the chief probation officer to have a probationer, who has violated his probation, appear before the court or judge, and if the probationer will probably not appear otherwise, the chief probation officer shall request the issuance of a summons or a warrant. If a probationer has absconded or otherwise disappeared without permission from probationary oversight or the jurisdiction of the court, the chief probation officer, unless otherwise able to secure either the early return of such probationer or a satisfactory explanation of his actions, shall request a warrant for his arrest. So far as practicable, warrants for the arrest of probationers shall be signed by the judge who placed such persons on probation. A

summons for the appearance of any probationer shall be issued by the warrant clerk of the court upon the request of the chief probation officer.

The chief probation officer shall endeavor to have all such summons and warrants served as early as possible, and to locate all probationers for whom such a process has been issued and whose whereabouts are unknown. He shall keep a record of all such summons and warrants, including the names of the police officers or other persons requested to serve them; and he shall report in writing at least monthly to the proper judges concerning all probationers for whom a summons or warrant is outstanding. If the probationary period of any probationer for whom a summons or warrant has been issued, is about to expire before he has been brought before the court or judge, the chief probation officer shall request the court or judge to extend the probationary period as provided in subdivision 4 of section 11-a of the Code of Criminal Procedure. No probationer for whom a summons or warrant has been issued, and who fails to appear before the court or judge as required by such process, shall be discharged from probation within less than one year from the time of its issuance. The chief probation officer or any probation officer may request that probationers who appear in response to a summons be taken before the judge in his private office.

Rule 12. Discharge from, and Revocation of, Probation. So far as practicable, the discharge of probationers, and also the revocation of probation for violations of the probationary conditions, shall be by the judge who placed the persons on probation. The discharge of probationers shall be, so far as practicable, in the judge's private office or the probation office.

Rule 13. Docket Entries and Court Records. When a defendant is placed on probation, the judge or clerk of the Part shall enter on the docket the word "*Probation.*" In cases where the probationer is required, as one of the conditions of his probation, to pay family-support, the judge or clerk shall enter in the docket the words "*Probation — to pay family-support;*" and in cases where the probationer is to pay restitution, reparation or a fine, the words "*Probation — to pay restitution (reparation or a fine) of \$——.*" The clerk of each Part of the court shall keep a "Probation Book"

in which shall be entered in chronological order the names of, and other data concerning, all defendants placed on probation in such Part, including the names of the respective probation officers, the kind and the amount of payments to be made by probationers, and the dates on which their probation is to end. When any probationer finishes his probation, this fact together with the results of the probation shall also be entered in the "Probation Book."

Rule 14. Records and Reports; Registrar. The chief probation officer shall establish and maintain the system of records and reports, and of indexing and filing the same, provided by the State Probation Commission. He shall keep a card index of all probationers, and records showing the probationers assigned to each probation officer, the dates on which all probationary periods will expire, the probationers who are outside the jurisdiction of the court, those for whom summons or warrants have been issued, and other important facts. Each probation officer shall keep a written history of each of his probationers while on probation, and shall report at least monthly concerning each probation case, including violations of the probationary conditions, to the chief probation officer and to the judge who placed each person on probation, such reports, so far as practicable, to be in writing and supplemented by oral explanations. Each probation officer shall also make such other reports as the chief probation officer shall direct. Each probation officer shall notify the chief probation officer two weeks before the probationary period of each probationer is to expire, and shall arrange with the chief probation officer about making a final report on the case to the judge and about having the probationer brought before the court or judge for discharge or other disposition. So far as practicable, all records and reports shall be typewritten.

The chief judge shall designate an employee of the court under the title of registrar to have general charge of the indexing and filing of records. Unless permission is granted by a judge, the chief probation officer or the registrar, no index card shall be removed from the general index, and no records shall be removed from the probation office; provided, however, that any probation officer may temporarily remove the records of any of his cases from the office whenever necessary for the performance of his duties.

The registrar shall keep a list of all records removed from the office, and shall see that they are returned as early as possible to their proper places. All records made or used by volunteer probation officers shall be delivered to the chief probation officer upon request or at the termination of each respective case. All records shall be guarded against inspection by persons not entitled to inspect them, and when not in use shall be kept locked. All reports of probation officers to the State Probation Commission shall be inspected by the chief probation officer or registrar before being sent to the Commission.

Rule 15. Payments; Receipts; Accounts; Cashier and Bookkeeper; Bonds. No payments of family-support, restitution, reparation or fines shall be received by any probation officer or other employee of the probation office, except at the probation office; and the recipient of each such payment shall give the payee an official receipt for the payment. Whenever a payment is received through the mail an official receipt shall be given or mailed to the probationer within twenty-four hours. The chief judge shall designate a probation officer or other employee of the court to act as cashier and bookkeeper, and so far as practicable, all payments shall be made to the cashier. All payments made to probation officers or other employees shall be delivered to the cashier as soon as possible. All such moneys when deposited in a bank shall be deposited in the name of the chief probation officer as trustee.

When a probationer is required to pay family-support, restitution or reparation, the chief probation officer shall at once notify the beneficiary of the fact and of the amounts to be paid. All disbursements in the form of family-support, restitution and reparation shall be made as early as possible within forty-eight hours, and shall be made by the cashier. All fines collected from probationers shall be delivered to the chief clerk of the court on the day of their collection, or, if this is impossible, within the next twenty-four hours. A receipt for each disbursement, except those made by check, shall be kept in the probation office.

Whenever a probationer is permitted to make his payments directly to the beneficiary, he shall be required, unless otherwise directed by the chief probation officer, to receive receipts in duplicate from the beneficiary, and to deliver to the probation officer

one such receipt for each such payment. The probation officer supervising such probationer shall endeavor to verify whether such payments have been made. The bookkeeper shall keep proper accounts of all such payments made by probationers directly to beneficiaries.

The cashier and bookkeeper shall keep a list of all probationers required to make payments, and shall keep accounts of all moneys received and disbursed, in the loose leaf ledgers and cash books provided by the State Probation Commission. The chief probation officer shall make a monthly written report of all arrears to the judges requiring the probationers to make payments.

The probation officers shall endeavor, so far as practicable, to have all payments by probationers paid from their own earnings. If any probation officer learns that the payments required of any probationer entail undue financial hardship upon him or those dependent upon him, the probation officer shall forthwith report the facts to the chief probation officer, and the chief probation officer in his discretion may request the court or judge to modify the court order requiring the payments. No probation officer shall assume the right to determine the amount or frequency of the payments to be made by probationers, except that the chief probation officer may exercise such right when so authorized in accordance with the provisions of Rule 7.

All probation officers who receive moneys from probationers, and the cashier, shall be under bonds.

Rule 16. Publicity. All probation officers shall avoid divulging any information concerning their investigations or probation work which will tend improperly to jeopardize the welfare of any defendant or probationer. No probation officer, except the chief probation officer, shall give any information or make any statements to newspaper representatives concerning defendants or probationers or the probation work of the court.

Rule 17. Miscellaneous. No probation officer or representative of the probation office shall write to or concerning any probationer on a postal card. Whenever it is especially desirable to protect the reputation of any defendant or probationer, correspondence from the probation office shall be written on plain paper.

So far as is possible without interfering with their own work,

the probation officers, when so directed by the chief probation officer, shall assist the probation officers of other jurisdictions in investigating and supervising cases for them.

Rule 18. Amendments. Any of these rules may be temporarily suspended at any time by unanimous consent of the judges, or may be amended by majority vote of the judges.

The above rules have this day been adopted by the judges of the City Court of Buffalo to take effect on January 1, 1912, except that the provisions concerning a registrar, and a cashier and book-keeper, shall not take effect until so ordered by the chief judge.

Dated December 14, 1911.

WILLIAM P. BRENNAN,
Chief Judge.

Attest: MARTIN P. FLEMMING,
Chief Clerk.

APPENDIX E.

RECOMMENDATIONS TO THE JUDGE OF THE BUFFALO CHILDREN'S COURT CONCERNING THE JUVENILE DETENTION HOME.

STATE OF NEW YORK:

STATE PROBATION COMMISSION,

ALBANY, *February 29, 1912.*

HON. GEORGE E. JUDGE, *Judge of the Children's Court, 44 Breckenridge street, Buffalo, N. Y.:*

Dear Sir.—On September 30, 1911, following a visit that day by three members of the State Probation Commission to the Buffalo Juvenile Detention Home, the Commission informally called the attention of the judges of the Buffalo City Court (who were then responsible for the administration of this institution) to the physical conditions and certain needs in the home. It was stated at the time that as soon as possible after January 1, 1912 (when pursuant to chapter 651 of the Laws of 1911, the control of the home would pass from the judges of the City Court to the judge of the newly established Children's Court), the Commission would make formal recommendations concerning the detention home. After your election in November, 1911, to the judgeship of the new Children's Court, you indicated your desire to receive such recommendations, and since assuming this office you have requested this Commission to recommend also a set of detailed rules and regulations for the administration of the home. It seemed undesirable to submit such recommendations and rules until after conferring with the new superintendent of the home whom we understood was to be appointed. The definite appointment of this official was not announced until February 8, 1912. The following day Commissioner Frank E. Wade of Buffalo and the secretary of the Commission made a further inspection of the

home and conferred with yourself, the new probation officers and the new superintendent of the home.

The Commission has prepared and now respectfully submits—

I. The following statement and recommendations concerning the housing and administration of the home;

II. The accompanying draft of detention home rules and regulations;

III. The accompanying draft of probation rules.

I. Statement and Recommendations.

1. **History of the Home.** The first Juvenile Detention Home in Buffalo, which was opened on January 28, 1907, and for a little over two years was maintained by the now defunct Juvenile Improvement Association, was neither well located nor large enough for its purposes. Following an inspection of that institution and a conference with Hon. Simon A. Nash, formerly judge of the Children's Court, the State Probation Commission on February 19, 1908, recommended that he request an appropriation from the city for the establishment and maintenance of a Municipal Juvenile Detention Home. The appropriation was not made available until July 1, 1909. On October 22 of that year, the present home at 44 Breckenridge street was opened. It was the first municipal institution of the kind in the State. On December 4, 1909, the Commission conferred with the judges-elect of the newly created City Court of Buffalo, and recommended that if the building on Breckenridge street were to be retained as the quarters for the home, certain alterations and repairs should be made. It had been hoped that a building might be found which would have more yard space and be better adapted for detention uses. We were given to understand, however, that the present quarters were not intended to be permanent, and that as soon as practicable an endeavor would be made to provide better accommodations.

2. **Benefits of the Juvenile Detention Home.** The recommendations made by this Commission on February 19, 1908, pointed out that children should not be held in the home except in such cases as are necessary. Many children, immediately after their arrest or after being in the home a while, can safely be paroled,

under the oversight of their parents or of a probation officer, until the time for their hearing in court. This practice should be followed in every case where such a release is safe and desirable. In a certain proportion of the cases coming before the Children's Court, however, detention is either necessary or extremely desirable.

A suitable juvenile detention home in a city of the size of Buffalo is a recognized necessity. Backed up by a law against exposing children to the associations of the police lock-up, the enlightened public opinion of to-day no longer tolerates the holding of children in police stations.

Our recommendations of February, 1908, enumerated the following classes of children as needing detention:

a. Children who are either vagrants or those whose home is outside of Buffalo;

b. Children who when arrested refuse to disclose their name or residence;

c. Children whose parents are away from home or for some other reason cannot be communicated with;

d. Children whose parents are unfit to hold them in custody pending trial;

e. Children who are suffering from diseases, bodily defects or filth, and who need medical examination, cleansing or other attention;

f. Children whose offenses are so serious as to require that they be kept in custody and not allowed to communicate with outsiders;

g. Children whom it may be necessary to detain as witnesses in criminal cases of either adults or children.

According to the records of the superintendent, 799 children were admitted to the home during the year 1911.

In addition to providing physical custody over the children, the home serves as an observation station where the habits, tendencies and characteristics of the children may be sympathetically studied. By keeping children in the home for a few days the judge, the superintendent, and the probation officers are enabled to learn many facts which are highly valuable in indicating whether the children should be placed on probation or sent to an

institution. In many cases it would endanger the children morally or otherwise to let them go back to the squalor and degradation of their own homes. The care and treatment in the home benefits the children physically. Many of the children are dirty, infected with vermin, improperly clad and under-nourished. While in the home they are bathed, provided with clean clothes and given nourishing food. They are examined by a physician and when necessary given medical treatment. Loathsome diseases and other serious physical conditions are often revealed by these examinations. The stay of the children in the home also benefits them morally. They are taught to be polite and how to behave at the table and in a home. They also learn many valuable lessons in general morality, and are brought under kindly influences which in far too many cases have been sadly missing in their lives.

The home also provides accommodations for the hearings of the Children's Court, and for the office of the probation officers.

3. Present Building Unsuitable. The present quarters on Breckenridge street are unsuitable for the Juvenile Detention Home for these reasons:

It is a very old building and badly out of repair. The roof leaks, the walls—especially in the boys' dormitory—are in places devoid of plaster and are so defaced as to be disreputable. The plumbing needs alterations and repairs. The water from the boys' bathroom at times leaks into the probation office on the floor below. The building contains only one furnace, and this is insufficient to heat it. Some of the rooms contain no radiators whatever.

Should the building catch on fire, fatalities might easily occur. The building has no fire-escapes. The windows where the children sleep are barred, and the doors connecting with the other rooms are usually kept locked. The boys' dormitory on the second floor, where most of the boys are ordinarily found, has two exits; but in case of a sudden, serious fire these might easily be rendered useless. One exit is onto a porch through an iron barred door, which could not be unlocked unless an adult having a key to it were in the dormitory. The other exit is also through an iron barred door, which is locked most of the time and

which opens on an outer stairway. • A fire in this stairway would cut off this means of egress.

An equally serious objection to the present quarters is the lack of facilities for segregating the children. It is highly important in such an institution, as pointed out below, that boys and girls be kept apart; that the younger children be separated from the older ones, and that those who are immoral or otherwise depraved be kept from associating with "first offenders" and the innocent. Under the present conditions, all boys are usually kept in one room, which is used both for dormitory and living purposes. Practically all the girls are also confined in one room. There is only one other bedroom where immoral girls may be kept, but this room is rarely used because it has no bars or screens at the windows and is without heat in winter. Furthermore, there is no suitable room for use in cases of illness or for quarantine purposes.

The Children's Court is held three afternoons each week in the dining-room of the home. Immediately adjoining the courtroom is the office of the probation officers, and this room is used as a waiting-room for children, parents, witnesses, officers and other persons required to attend the court. This waiting-room is not more than fifteen feet square, and representatives of the Commission when at the home during court hours have seen twenty-five or thirty persons trying to find a waiting place in it. Not only has every seat been occupied, but persons have been obliged to remain standing and others have had to wait on the front porch or the sidewalk.

Not only is this an inconvenience to those who have to appear before the court, but it interferes with the work of the probation officers. Their desks and filing cabinets are in this room, and it is hardly large enough for use by the probation officers alone. It should be possible for a probation officer to interview persons privately without being overheard by others in the room. This is out of the question when the office is crowded as it is during court hours.

The building has practically no yard. This prevents the children from getting the outdoor exercise which they ought to have. It does not afford a proper place for drying clothes.

An adequate and suitable building should be provided for the home. Representatives of the Commission have conferred with Hon. Harry Fisher, chairman of the school committee of the board of aldermen, which has inspected the home, and we agree with him that it would be unwise to expend money in renovating or changing the present building. *We therefore strongly advise that the city authorities be urged to erect or provide a proper building for the home as early as possible.*

4. Kind of Building Needed. In securing new quarters for the Juvenile Detention Home an effort should be made to provide a place centrally located. The home should have a good-sized yard for recreation and other purposes. The building should be larger than the present one, and better adapted for segregating the children. The more nearly it approaches the type of a family home, the better it will be.

The following rooms, or their equivalent, are desirable: several large bedrooms or dormitories for girls; several large bedrooms or dormitories for boys; at least two bedrooms, one for boys and one for girls, for cases of illness or other special uses; a day-room for girls; a dayroom for boys; a schoolroom for instruction; sleeping and living rooms for the superintendent and other employees; adequate storage and closet space; and at least three toilet-rooms, one of which shall be equipped with a spray bath for girls, and one of which shall be equipped with a shower bath for boys. The bed capacity should exceed that of the present home. The quarters occupied by girls should, if possible, be in a different part of the house from that occupied by boys.

The Children's Court, if necessary, can be held as at present in a room used at other times for other purposes, but a special courtroom is preferred if the building will permit. Connected with the court should be waiting-rooms at least twice as large as at present. There should be at least one room large enough to contain the desks of the probation officers and the probation records, and in which the probation officers can confer with children and parents privately.

It is hoped that when a new building is secured the use of bars may be discontinued. Strong screens are much more in keeping with the spirit of a juvenile detention home.

5. Segregation of the Children. A cardinal requirement in conducting an institution of this kind is that the children shall be kept apart so far as is necessary to prevent moral contamination. It is extremely important to keep the younger and uncorrupted children away from those who are immoral or otherwise likely to exert a harmful influence. One boy or girl, addicted to immorality or other grossly evil habits or accustomed to the sights and ways of the "under-world," if allowed to mingle with other children, might implant in them evil ideas or start vicious practices which would have a lasting injurious effect.

Another important requirement is to prevent the spread of disease in the home. Many children brought there have an infectious venereal disease or some other infectious or contagious disease. Every precaution should be taken to prevent other children from contracting such diseases, and a measure frequently necessary is the isolation of the child afflicted with such a disease.

The present building does not permit the segregation of the children to the extent desirable. As soon as a new building is secured a strong effort should be made to overcome all such mingling of the children as is dangerous or in any way objectionable.

6. Supervision of the Children. Another essential in conducting a home of this character is that the children shall not be left to themselves, but so far as possible shall at all times be under the eye of an adult. It is impossible with the present staff of employees in the home to keep the children under as close observation as is desirable. The superintendent is frequently called away from the children by administrative or other duties. The housekeeper, the assistant in the kitchen, and the janitor, are kept busy most of the time with their own particular lines of work. During the day there should be another employee in the home. For the reasons indicated below, it is believed that the best way of meeting this situation — at least experimentally, is to request the Department of Education to detail a teacher to the home.

7. Instruction and Occupation of the Children. The children in the home frequently assist with the housework, and there has been and still is one class each week in some line of domestic

science. The superintendent has proposed the organization of other classes under the leadership of volunteers. On the whole, however, the children have been without sufficient occupation, and the suggested instruction by volunteers would probably be insufficient to meet the needs. Representatives of the Commission when visiting the home, have at times found the girls during the middle of the day lounging on their beds, without anything to do; and they have discovered the boys equally idle. Some of the children have informed representatives of the Commission that most of the time while in the home they had practically nothing to do. Idleness among the children in the home has a harmful effect on the children.

The only practical way of providing the needed diversion, education and occupation for the children, seems to be through having the services of a paid worker. The best results could probably be secured through the assignment to the home of a school teacher, as suggested above.

It would be manifestly impossible to organize any systematic class instruction among the children, since they usually remain for such brief periods. A teacher interested in children and possessed of resourcefulness, however, could do a great deal of good in other ways. She could instruct the children individually in their regular lines of school work when it is interrupted through their commitment to the home. She could instruct and interest the children, both individually and in groups, in ungraded class work and in such subjects as calisthenics, music, drawing, sewing, clay modeling or basket work. She could also read to them, tell them helpful stories, and impart much information and many helpful suggestions through informal conversation.

8. Medical and Mental Examinations of Children. For some time the children admitted to the home have been examined, and, when ill, cared for, by a physician. We understand that recently a woman physician from the health department has been assigned, without extra compensation, to visit the home daily for these purposes.

It has been shown in other cities that a large proportion of the children brought before juvenile courts are suffering from

physical defects, mal-nutrition or disease. In cases of vagrant and neglected children and where girls are the complainants in rape cases, a report by a physician as to their physical condition is often necessary testimony. The disposition and general welfare of all children are greatly influenced by physical factors, and their delinquency can often be traced very directly to their bodily condition.

Therefore it is highly desirable that the physical examinations by the physician be made in all cases and be very thorough. The examinations should be as comprehensive as possible, including an inspection of the throat, nose, eyes, ears and teeth, and as to whether the child has any infectious or contagious disease. The physician as soon as practicable after each examination should report in writing to the judge concerning his or her findings, and unless the judge otherwise directs, the report should be filed with the record of the child in the probation office.

So far as practicable, the examination of boys — especially of adolescent age — should be by a man physician, and that of girls by a woman physician. We therefore recommend that you request the services of a man physician from the health department to examine the older boys.

In this connection, may we call attention to the importance of continual watchfulness over the general sanitary conditions of the home. Each child should have the use of individual soap and towels.

In connection with the work of certain juvenile courts and reformatory institutions, the so-called Binet test and other psychological tests have recently come into use in examining both children and adult offenders for the purpose of ascertaining their mental development and capacity. These examinations indicate that many children brought before children's courts are mentally sub-normal or peculiar to such a degree as to make it important that the judge be informed of those facts before disposing of their cases. It is found, for instance, that some children 14 or 15 years old are no further developed mentally than the average child of 6 or 8 years. The next few years will likely bring these or other psychological examinations of juvenile court children into much more general use. We refer to this matter since

the physician who visits the Juvenile Detention Home may be interested in this subject and qualified to make these mental examinations. If this is not the case, it is suggested that if practicable some other competent person be found to undertake this duty.

A number of the children brought before the court in the course of a year will probably be feeble-minded. In many of the so-called border-line cases the imbecility can be discovered only by a specialist. We strongly advise that all children giving any suspicion of being feeble-minded be examined by a specialist.

9. Summary of Recommendations Concerning the Home. The more important recommendations made above may be summarized as follows:

That a request be made for a more suitable building for the Juvenile Detention Home;

That whenever practicable and desirable, children be paroled under the custody of their parents or a probation officer;

That every effort be made to keep the children more segregated;

That every effort be made to keep the children under closer observation;

That a request be made for the assignment to the home of a public school teacher, and that the children be given more instruction and occupation;

That special attention be given to the medical examination of the children, and that the older boys be examined by a man physician;

That so far as practicable, children be examined as to their mental development and condition, and that in all cases of suspected feeble-mindedness the child be examined by a specialist.

II. Detention Home Rules.

The rules and regulations for the administration of the Juvenile Detention Home which are herewith transmitted and are recommended for adoption by you, refer, it is believed, to all the matters which should be included in a set of rules of this kind. The rules recognize that the ultimate control over the home and the ultimate responsibility for its management rests with the judge of the Children's Court. It has seemed advisable, however,

to provide in the rules that the superintendent appointed by you shall be the chief administrative officer of the home, and immediately responsible to you for the custody and care of all children admitted to the home, and for its proper administration. The rules provide that all other employees having duties in connection with the home, except the visiting physician and the probation officers, shall be under the direction and authority of the superintendent. The rules prescribe standards and methods, but the success of the home will depend to a large measure upon the spirit with which the rules are followed by its various employees.

III. Probation Rules.

Since sending you a little while ago the preliminary draft of the probation rules, which you requested the Commission to recommend, we have felt it desirable to suggest a few changes. The probation rules which are sent herewith contain these revisions.

Very respectfully submitted,

HOMER FOLKS,

President.

Attest: ARTHUR W. TOWNE,
 Secretary.

APPENDIX F.

PROBATION RULES OF THE CHILDREN'S COURT OF BUFFALO.*

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Rule 1. Chief Probation Officer. The probation officer designated by the judge to act as chief probation officer, shall, subject to the direction of the judge, be the administrative head of the probation department of the court. He shall superintend the work of all other probation officers; require them to observe the provisions of the probation laws and of these rules; keep informed concerning their work and conduct, and report to the judge concerning negligence, incompetency or misconduct on the part of any probation officer; secure and instruct volunteer assistants; have general charge of the probation offices, attend to the official cor-

* Prepared upon the request of the judge by the State Probation Commission.

responsdence of the department; superintend the making of reports by probation officers, and the keeping of records and accounts; oversee all financial transactions of the department; secure the coöperation whenever necessary of officials and other persons and agencies in Buffalo and elsewhere; compile statistics; publish an annual report; and perform such other duties as are prescribed in these rules and as may properly devolve upon him. He shall study the needs of the probation system, and when necessary make recommendations to the judges for its improvement. On or before the first day of February of each year, the chief probation officer shall file with the judge a statement of the appropriations needed by the probation department for the ensuing fiscal year. Whenever the chief probation officer is absent from the office for any substantial length of time the judge shall designate another probation officer to act as chief probation officer during such period of absence.

Rule 2. Probation Officers. All salaried and all volunteer probation officers shall observe all the provisions of the probation laws and of these rules, and shall obey all lawful instructions and orders of the chief probation officer, provided that the chief probation officer shall not make unreasonable demands on the time or convenience of volunteers. All salaried probation officers shall devote their entire time to probation work, and shall have no other occupation, business or profession. Whenever any salaried probation officer is incapacitated by illness or is otherwise unable to perform his duties, except during vacation, he shall immediately notify the chief probation officer; and any volunteer probation officer having a probationer under his care and about to be out of the city for more than one week, shall also notify the chief probation officer. Each salaried probation officer shall have an annual vacation of two weeks.

All probation officers shall respect scrupulously the constitutional rights of all children and other persons with whom they have dealings. No probation officer shall represent to any child or other person that by virtue of his office he possesses any powers or rights which he does not possess. No probation officer shall attempt to proselyte or in any way to interfere with the religious beliefs or practices of any child or adult brought before the court.

No probation officer shall use his position for political or partisan purposes.

Rule 3. Offices. There shall be a probation office in the Juvenile Detention Home, and another in connection with the part of the court devoted to the trial of adults or at such other places as may be decided upon by the judge. Each office shall regularly be kept open during such hours as shall be decided upon by the chief probation officer with the approval of the judge.

Rule 4. Supplies and Expenses. All supplies for the probation department shall be ordered and distributed by the chief probation officer upon approval by the judge. Each salaried probation officer shall keep an itemized account of all expenses incurred in the performance of his official duties, and on the first day of each month shall submit to the chief probation officer a bill, duly sworn to, for the preceding month's expenses. No such bill shall be paid unless approved in writing by the chief probation officer and the judge.

Rule 5. Preliminary Investigations. Unless otherwise directed by the court or judge, the assignments of probation officers to make preliminary investigations concerning children and adults brought before the court shall be made by the chief probation officer. In making such investigations no probation officer shall question any defendant as to his guilt or innocence, or shall endeavor to secure information on this question. The reports of probation officers on preliminary investigations shall be in writing, and shall state the sources from which the statements made were obtained. So far as desirable and practicable the probation officer making an investigation shall appear personally before the court or judge to explain or supplement the written report. Unless otherwise ordered by the judge, a copy of all reports of preliminary investigations shall be filed with the probation records.

Rule 6. Placing Defendant on Probation. No child or adult defendant, unless well known by the judge or a probation officer, shall be placed on probation until after a preliminary investigation by a probation officer. When a child or adult defendant is placed on probation, the probationer, as soon as possible thereafter, shall be instructed concerning his probation, by the chief probation officer, or in his absence by another probation officer.

Such chief or other probation officer shall give the probationer a written statement of the period and conditions of the probation and take a written acknowledgment therefor, and shall instruct the probationer concerning the purposes and requirements of the probation. If the probationer has been ordered by the court to pay, while on probation, restitution, reparation or a fine, such probation officer shall instruct the probationer concerning the payments he is to make, and shall furnish him with a copy of the official receipt he is to receive for each payment. The chief probation officer, unless otherwise directed by the judge, shall designate the probation officer who is to supervise the probationer and shall arrange for an early meeting between the probation officer and the probationer. The chief probation officer, with the consent of the judge, may at any time transfer a probationer to another probation officer. Female probationers shall be placed under the supervision of female probation officers.

Rule 7. Period and Conditions of Probation. Unless otherwise directed by the court or the judge, the original probationary period shall be one year, subject to such modifications as the court or judge may subsequently order.

The judge may authorize the chief probation officer to determine requirements of probation supplementary to those determined by the court or judge.

Rule 8. Supervision and Aid of Probationers. Each probation officer, so far as practicable, and unless otherwise directed by the chief probation officer, shall visit each probationer under his care at least once a month, and shall require each such probationer to report in person to him at least weekly. The chief probation officer shall see that the reporting by probationers to the probation officers is carried on in such a manner as will secure reasonable privacy and will minimize the mingling of probationers. Neither boy and girl probationers, nor juvenile and adult probationers, shall be allowed to report personally at the probation office at the same time.

Rule 9. Probationers not to Leave Jurisdiction without Permission. No probationer, unless so authorized by the court or judge, shall be permitted to leave the city of Buffalo for more than two days without written permission from the chief probation

officer, and the chief probation officer shall grant such permission for a period exceeding two days only when it seems consistent with the purposes of probation and important for the welfare of the probationer or for other valid reasons, provided that the chief probation officer shall not permit any probationer to remove permanently from the city without the special consent of the judge. The chief probation officer shall preserve a record of all probationers permitted to leave the jurisdiction of the court, and if they are to remain away for more than one month he shall employ such means as seem most practicable to maintain supervision over them while outside of such jurisdiction. So far as practicable, he shall request the coöperation of probation officers in the jurisdictions to which such probationers remove.

Rule 10. Violations of Probationary Conditions; Absconders. All alleged or apparent violations of the probationary conditions by any probationer shall be promptly investigated by the probation officer supervising the probationer. If the probation officer finds the violation to be serious, or if he has reason to believe that a probationer has absconded or otherwise disappeared, without permission, from probationary oversight or from the jurisdiction of the court, he shall forthwith report the facts to the chief probation officer.

Rule 11. Summons; Warrants; Arrests. If it seems important to the chief probation officer to have a probationer, who has violated his probation, appear before the court or judge, and if the appearance of the probationer cannot be secured otherwise, the chief probation officer shall request the issuance of a summons or a warrant. If a probationer has absconded or otherwise disappeared from probationary oversight or from the jurisdiction of the court without permission, the chief probation officer, unless otherwise able to secure either the early return of such probationer or a satisfactory explanation of his action, shall request a warrant for his arrest.

The chief probation officer shall endeavor to have all such summons and warrants served as early as possible, and to assist in locating all probationers for whom such a process has been issued and whose whereabouts are unknown. He shall keep a record of all such summons and warrants, including the names

of the police officers or other persons requested to serve them; and shall report in writing at least monthly to the judge concerning all probationers for whom a summons or warrant is outstanding. If the probationary period of any probationer for whom a summons or warrant has been issued, is about to expire before he has been brought before the court or judge, the chief probation officer shall inform the court or judge of the fact and may request that the probationary period be extended as provided in subdivision 4 of section 11-a of the Code of Criminal procedure.

Rule 12. Discharge from Probation. Each probation officer shall notify the chief probation officer two weeks before the probationary period of each probationer is to expire, and shall arrange with the chief probation officer to make a final report on the case to the judge, and to have the probationer brought before the judge for discharge or other disposition.

Rule 13. Adult Contributory Delinquency. Whenever adults are placed under the oversight of a probation officer, as provided in subdivision 2 of section 494 of the Penal Law, the probation officer shall keep records of such cases and make reports thereof as provided for regular probation cases by Rule 14.

Rule 14. Court Records. When a child or adult defendant is placed on probation, the judge shall sign a probation order which shall be filed with the court records of the case, and the judge or clerk shall enter on the docket the word—"Probation." In cases where the probationer is required, as one of the conditions of his probation, to pay a fine, restitution or reparation, the judge or clerk shall enter on the docket the words—"Probation—to pay a fine or (restitution or reparation to ———) of \$——." In cases where an adult charged with contributing to the delinquency of a child is placed on probation, as provided in section 494 of the Penal Law, without conviction, the corresponding entry on the docket shall be—"Probation upon consent." The clerk shall keep two "Probation Books," one for cases of children and the other for cases of adults, and in the proper book shall enter, in chronological order, the names of, and other data concerning, all children or adult defendants, as the case may be, placed on probation. When any probationer finishes his probation,

this fact together with the results of the probation shall also be entered in the proper "Probation Book."

Rule 15. Probation Records and Reports. The chief probation officer shall establish and maintain the system of records and reports, and of indexing and filing the same, provided by the State Probation Commission. He shall keep a card index of all juvenile probationers and another of all adult probationers, together with records showing the probationers assigned to each probation officer, the dates on which all probationary periods expire, the probationers who are outside the jurisdiction of the court, those for whom summons or warrants have been issued, and other important facts. Each probation officer shall keep a written history of each of his probationers while on probation, and shall report at least monthly concerning each probation case, including violations of the probationary conditions, to the chief probation officer and to the judge who placed each such person on probation, such reports, so far as practicable, to be in writing and supplemented by oral explanations. Each probation officer shall also make such other reports as the chief probation officer shall direct. So far as practicable, all records and reports shall be typewritten.

Unless permission is granted by the judge or the chief probation officer, no index card shall be removed from the general index, and no records shall be removed from the probation office; provided, however, that any probation officer, upon notifying the chief probation officer in writing, may temporarily remove the records of any of his cases from the office whenever necessary in connection with the performance of his duties. The chief probation officer shall keep a list of all records removed from the office, and shall see that they are returned to their proper places. All records made or used by volunteer probation officers at their homes shall be delivered to the chief probation officer upon request or at the termination of each respective case. All records shall be guarded against indiscriminate inspection by persons not entitled to inspect them, and when not in use shall be kept locked. All reports of probation officers to the State Probation Commission shall be inspected by the chief probation officer before being sent to the Commission.

Rule 16. Payments; Receipts; Accounts; Cashier and Bookkeeper; Bonds. Any probation officer or other employee of the court upon receiving a payment of restitution, reparation or an instalment fine from any probationer or any representative of any probationer, shall give the payee an official receipt for the payment. Whenever such a payment is received through the mail an official receipt shall be given or mailed to the probationer within twenty-four hours. All such payments if made to probation officers or other employees of the court shall be delivered to the chief probation officer as soon as possible. All such moneys when deposited in a bank shall be deposited in the name of the chief probation officer as trustee. Unless otherwise directed by the judge all disbursements in the form of restitution and reparation shall be made as early as possible within forty-eight hours, and shall be made by the chief probation officer and so far as practicable by check. All fines collected from probationers shall be delivered to the clerk of the court on the day of their collection, or, if this is impossible, within the next twenty-four hours. A receipt for each disbursement, except those made by check, shall be kept in the probation office.

Whenever a probationer is permitted to make his payments directly to the beneficiary, he shall be required, unless otherwise directed by the chief probation officer, to receive receipts in duplicate from the beneficiary, and to deliver to the probation officer one such receipt for each such payment. The probation officer supervising such probationer shall endeavor to verify whether such payments have been made.

The chief probation officer shall keep a list of all probationers required to make payments, and shall keep accounts of all moneys received and disbursed, in the loose-leaf ledgers and cash-books provided by the State Probation Commission. The chief probation officer shall make a monthly written report of all arrears to the judges requiring the probationers to make payments. The judge may require any probation officer who collects considerable amounts of money to give a bond.

The probation officers shall endeavor, so far as practicable, to have all payments by probationers paid from their own earnings. If any probation officer learns that the payments required of any

probationer entail undue financial hardship upon him or those dependent upon him, the probation officer shall forthwith report the facts to the chief probation officer and the judge.

Rule 17. Publicity. All probation officers shall avoid divulging any information concerning their investigations or probation work which will tend improperly to jeopardize the welfare of any child or adult defendant or probationer. No probation officer, except the chief probation officer, shall give any information or make any statements to newspaper representatives concerning defendants or probationers.

Rule 18. Miscellaneous. No probation officer or representative of the probation office shall write to, or concerning, any probationer on a postal card. Whenever it is especially desirable to protect the reputation of any child or adult defendant or probationer, correspondence from the probation office shall be written on plain paper and be enclosed in an envelope which does not indicate that it is sent by a probation officer.

So far as is possible without interfering with their own work, the probation officers, when so directed by their chief probation officer, shall assist the probation officers of other jurisdictions in investigating and supervising cases for them.

Rule 19. Amendments. Any of these rules may at any time be amended, repealed or temporarily suspended by the judge.

The above rules are this day promulgated by the judge of the Children's Court of Buffalo to take effect immediately.

Dated March 1, 1912.

GEORGE E. JUDGE,
Judge.

Attest: GEORGE CARSCADIN,
Clerk.

APPENDIX G.

RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE JUVENILE DETENTION HOME OF BUFFALO.*

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* Prepared by the State Probation Commission upon the request of the judge of the Children's Court, and with slight changes promulgated by him as here printed.

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Preamble.

It is desirable that the Juvenile Detention Home have as far as possible the appearance and atmosphere of a family home. To this end, all employees are expected and required to be kind, patient and helpful to the children.

DIVISION I. GENERAL POWERS AND DUTIES OF EMPLOYEES.

Rule 1. Duties of Superintendent. The superintendent shall reside in the Juvenile Detention Home, and subject to direction and supervision by the judge of the Children's Court, shall be the administrative head of the home. She shall have no other occupation, business or profession. She shall be responsible for the custody, care and treatment of all children admitted to the home, and shall keep proper records of such children. She shall have general charge over the home and all of its employees, except the visiting physician, and shall report to the judge concerning any negligence, incompetency or misconduct on the part of any employee. She shall purchase all supplies and be accountable for their proper use, and for the proper use and preservation of all other property of the home; and shall keep complete accounts of all expenditures. On or before the first day of February of each year she shall make an annual report to the judge for the year ending December 31 preceding, and shall file with him a statement of the appropriations needed by the home

for the ensuing fiscal year. Whenever necessary at other times she shall report to the judge concerning conditions and needs in the home. She shall see that so far as lies in her power all laws and ordinances applying directly or indirectly to the home, or to the treatment of its inmates, are properly carried out. She shall also perform such other duties as are required by these rules and regulations, or as may be ordered by the judge.

Rule 2. Duties of Visiting Physician. A visiting physician shall visit the home daily, and shall look after the health of all children in the home. Such physician shall make a thorough physical examination of each child as soon as possible within twenty-four hours after its admission to the home. All sick children in the home (except as provided in Rule 12) shall be under the direct charge of a visiting physician. The regular visiting physician, whenever necessary, may request the assistance of any employee of the home, or may summon a nurse to care for any sick child. The visiting physician shall from time to time inspect the sanitary conditions of the home and the methods of caring for the children, and make reports and recommendations concerning the same to the superintendent and the judge. He shall also make an annual report to the Board of Health. The superintendent shall keep the name and address of the visiting physician conspicuously posted within the home near its main entrance.

Rule 3. Duties of Other Employees. All other employees than those mentioned above shall observe all the provisions of these rules and regulations, and shall obey all orders and instructions given by the superintendent. Unless otherwise permitted by the judge, they shall devote their entire time to the work of the home and shall engage in no other occupation, business or profession. When required by the judge, they shall reside in the home. They shall at all times set a good example to the children in regard to personal appearance, language, habits and conduct. During the absence of the superintendent, unless the judge directs otherwise, the housekeeper shall be acting superintendent.

Rule 4. Duties of Volunteer Assistants. Volunteer assistants shall be permitted, upon the consent of the judge, to assist in the supervision, instruction, or entertainment of children, or in the work of the home. All such volunteer assistants shall respect

the provisions of these rules and regulations, and the directions of the superintendent.

Rule 5. Vacations, and Hours Off. The superintendent and if practicable each other employee shall have a vacation of two weeks each year, such vacations to be arranged by the superintendent. Each employee shall have each week at least one-half day's leave of absence at such time as shall be determined by the superintendent.

Rule 6. Powers of Probation Officers. The salaried probation officers of the court may visit or interview any child in the home, and may also consult the records kept by the superintendent of any present or former inmates of the home. Any volunteer probation officer may visit or interview at any reasonable time any child in the home who is being investigated by, or who is on probation under, such probation officer; or may visit or interview any other child upon consent or direction of the superintendent, the chief probation officer, or the judge.

DIVISION II. ADMISSION AND CARE OF CHILDREN.

Rule 7. Admission of Children. The home shall be open at all hours of day and night for the reception of all children actually or apparently under sixteen years of age (not infants in arms) brought to the home by a police officer under a charge or as a lost child, or sent by duly constituted authorities under a charge or as a witness; and whenever any such child is brought to the home the superintendent must receive such child. If the home has not sufficient accommodations to care for such child, the superintendent must provide temporary accommodations for such child until the case is disposed of by the court or until suitable quarters are secured upon order of the judge. All police officers or other persons bringing children to the home shall be required to fill out a certificate of admission which shall be kept by the superintendent as her warrant for detaining such children. Any child brought to the home and found to be sixteen years old or over shall be at once reported or taken to the nearest police precinct station.

Rule 8. Records. The superintendent shall keep in an admission book a record of each child brought to the home, and such other

records concerning each such child as the judge may require. She shall report to the judge at or before each session of the Children's Court concerning all children brought to the home since the last session, and she shall also report as soon as possible to the chief probation officer concerning all such children except lost children. If any child other than the children whom the superintendent must receive as above provided, is refused admission into the home the superintendent shall report to the judge, within twenty-four hours after such refusal, the facts in the case and the reason for the refusal.

Rule 9. Notification of Parents. As soon as possible after the admission of each child into the home the superintendent shall seek to ascertain the child's correct name and address. Unless the superintendent has reliable knowledge that a parent or guardian or other person acting in parental capacity to such child, is already aware of the child's admission to the home, she shall at once notify by mail such parent, guardian or other person of the child's admission, and as to the cause, and when the child is to be brought before the court. If such parent, guardian or other person is in Buffalo and the place of residence is known, such notification shall be sent by a special delivery letter, messenger, telegram or telephone in addition to the notification by ordinary mail.

Rule 10. Bathing and Cleanliness. Each child as soon as possible after being received into the home shall be bathed, and its hair and scalp shall be examined and, if necessary, treated. No girl's hair shall be cut except on consent of one of its parents or on order of the judge. Each child while in the home shall be given a bath at least weekly. Each child shall have the use of individual towels, wash cloth and comb. Care shall be taken to insure that no linen used by any child having a contagious or infectious disease shall come into contact with the other children or with the linen used by them.

Rule 11. Clothing. Before being allowed to mingle with other children, each child shall be provided with clean clothes. All clothing worn by each child at the time of its admission shall, if deemed advisable by the superintendent, be fumigated, or, upon order of the judge, destroyed.

Rule 12. Physical Examination and Medical Care. The superintendent upon receiving children into the home shall seek to ascertain whether they are suffering from any disease, and if they appear to be she shall isolate such children and at once notify the visiting physician.

If any child is taken ill during its stay in the home, the superintendent shall at once notify the visiting physician, and, except as provided below, the child while ill shall be under the care of such physician. Upon filing a written certificate with the judge that such action is necessary and upon receiving his approval, the visiting physician may order any sick child taken to a specialist or hospital for treatment. The physician in charge of a sick child may order necessary medicine or appliances or a special diet, and the superintendent shall see that the same is provided. Upon special request and upon guarantee that it will not impose any expense on the home, a child may be attended by its own physician, provided that no such physician shall have authority to take such child to a hospital without the filing of a certificate by the visiting physician as provided above.

All drugs and medicines, when not in use, shall be kept locked. No medicine shall be given to any child, except on order of a physician.

Rule 13. Segregation and Supervision. All children shall be segregated by sex, and, so far as practicable, by age groups. No child known or believed to be vicious or immoral or to have frequented disorderly or questionable resorts, shall be permitted to associate with younger children or those not depraved or immoral. Children committed to the home on court order shall also be segregated so far as practicable from other children. The superintendent shall endeavor to have all children under the observation of an adult at all times.

Rule 14. Sleeping Accommodations. Each child shall sleep in a separate bed which shall be no nearer than two feet to any other bed. Each child when admitted to the home shall be given clean sheets, a clean pillow case, and a clean nightgown, which shall be changed at least weekly thereafter during its stay. Sufficient bedding shall be provided to protect the children from cold. All children must go to bed at a reasonable hour.

Rule 15. Meals. The superintendent shall provide an economical, wholesome and nourishing dietary, which she shall submit from time to time to the visiting physician for approval. She shall also adopt a schedule of meal hours, adapted to the season, and all meals shall be served promptly. So far as practicable, boys and girls shall eat separately. The superintendent shall see that no child surreptitiously removes any knife, fork or spoon from the dining-room.

Rule 16. Instruction and Occupation. The superintendent shall see that so far as practicable all children are instructed daily, except on Sundays and legal holidays, in some subject. The superintendent shall also endeavor to keep the children occupied during the day when not engaged in study or recreation. She may require the older children to assist with the housework, and shall aim to make such work educational.

Rule 17. Recreation. All children shall have at least two hours daily for physical recreation and exercise, which so far as possible shall be in the open air. The superintendent shall furnish the children with proper reading matter, games and other forms of entertainment.

Rule 18. Property of Children. Each child upon being received into the home shall be searched, and his or her possessions placed in an envelope or package. Such envelope or package shall be properly labeled with the name of the child, and shall be returned to the child on leaving the home. The superintendent shall enter a list of the articles in a book and have the child sign the book as a receipt when the articles are returned.

Rule 19. Gifts to Children. The superintendent shall discourage the practice of having parents and others make presents to children in the home. If any food, clothing or other articles are left at or sent to the home for any child, the superintendent may use her discretion as to whether to permit the gifts to be delivered to the children. Under no circumstances shall such gifts be so delivered unless they have first been inspected by the superintendent to insure that they contain no tobacco, knives, pins, metal or other things undesirable or dangerous for the child to have.

Rule 20. Letters, Telephone and Newspapers. All letters or other communications sent to any child in the home shall be read by the superintendent before being delivered to such child. Each

child may write and mail, at the expense of the home, at least one letter within the first twenty-four hours after its admission; at least one letter weekly thereafter, and such other letters as the superintendent may permit, provided that no such letter shall be mailed or otherwise sent until read by the superintendent. The superintendent may retain any such letter, and if so shall as early as possible forward or show it to the judge. No child shall be permitted to use the telephone, except on special permission by the superintendent. No child while in the home shall be permitted to read any newspaper.

Rule 21. Visitors. Members of the family of any child in the home or its clergyman or attorney, unless otherwise ordered by the judge, shall be allowed to visit such child on any week-day between the hours of 10 a. m. and 4 p. m. Other persons, not employees of the court, shall not be allowed to visit any child, except on special permission from the superintendent, the chief probation officer or the judge. No child under sixteen years of age shall be permitted to visit an inmate, unless it is a brother or sister of such inmate. Visitors desiring to interview children shall have such interviews in a room where no other children are present, and the superintendent may limit the time of such interviews. The superintendent or some other employee, so far as practicable, shall be present during all such interviews, and shall allow no improper conversation, or, without special permission, no articles to be given to a child.

All visitors desiring to inspect the home shall be accompanied through the building by the superintendent or some other employee. No visitor shall be admitted to the home while intoxicated. Once each year, the superintendent shall invite the mayor, the commissioner of public safety, the superintendent of police, the superintendent of public education, and such other officials and citizens as may be designated by the judge, to inspect the home. All visitors shall be required by the superintendent to sign their names in a register.

Rule 22. Publicity and Photographs. No employee other than the superintendent shall furnish any information in regard to the charge against or record of any child in the home to any person except its parents or near relatives or the proper public officials, without permission from the superintendent, chief pro-

bation officer or judge. No employee shall show, loan or surrender any records, documents or other papers, belonging to the court or probation officers and pertaining to a child, to any person not an officer of the law, except on special permission from the judge or chief probation officer. No employee shall make to any visitor any disparaging remark, sign or gesture concerning any child. No child in the home shall be photographed without the written permission of the judge. No employee shall give any information to any newspaper representative concerning any child in the home, or concerning the treatment of the children or the administration of the home without the permission of the judge.

Rule 23. Discipline. Any child who is unruly or destructive to property, or who otherwise seriously misbehaves in the home, may be confined by the superintendent in a separate room and may be deprived of certain privileges. If such discipline is not effective, the superintendent shall within twenty-four hours report the facts to the judge. All employees are forbidden to use any corporal force or violence toward any child unless imperative for the preservation of order or as a measure of self-defense.

Rule 24. Permission to Leave the Home Temporarily. No child shall be permitted to leave the home or the yard connected therewith, temporarily, without special permission from the superintendent or the judge.

Rule 25. Release on Bail, Recognizance or Parole. The superintendent is authorized to release any child, charged with an offense, from the home under bail or recognizance as provided by section 520 of the Charter of the City of Buffalo, and by subdivision 4 of section 554 of the Code of Criminal Procedure. The superintendent upon such conditions as may be prescribed by the judge may also parole any such child under the oversight of a probation officer, provided such probation officer enter into a written recognizance to produce such child before the Children's Court at its next session.

Rule 26. Final Discharge or Commitment to Another Institution. No child shall be absolutely discharged from the home until the child is acquitted, released by the court during an adjournment of the case, released under suspended sentence, placed on probation, fined, or committed to another institution. When a child is committed to another institution and no representative of such

institution comes after the child, the judge shall designate a probation officer or other person to take the child to the institution.

DIVISION III. ADMINISTRATION OF THE HOME.

Rule 27. Order and Cleanliness of Home. The superintendent shall see that the home is kept orderly, clean and in a sanitary condition throughout all its parts. Dry sweeping is forbidden. The superintendent shall annually request the health department to inspect and report on the sanitary condition of the home.

Rule 28. Heating and Ventilation. Each room shall be kept properly ventilated at all times, and so far as practicable fresh air shall be admitted to the living and sleeping quarters at all hours. Rooms occupied by children, except sleeping rooms, shall be heated to a temperature of not less than 60 degrees and not more than 70 degrees Fahrenheit in winter.

Rule 29. Lights. A light shall be kept burning in the office or reception room all night. The superintendent shall keep an adequate number of portable lights ready for use in case of emergency.

Rule 30. Prevention of Fire, and Fire Escapes. No rubbish shall be allowed to accumulate in the basement or in any other part of the home. Ashes shall be kept only in metal receptacles. Matches, oil and other combustibles shall be kept out of the reach of the children. Gas lights if used shall be protected by globes or wire screens. The superintendent shall keep an adequate number of fire extinguishers and hand grenades in suitable places, and shall see that they are kept in proper working order. Each fire extinguisher shall be kept tagged with the date on which it was filled. The superintendent shall annually request the chief of the fire department to inspect and report on the conditions of the home as to fire protection. The superintendent, housekeeper and janitor shall at all times have on his or her person keys to the avenues of egress in case of fire. The telephone number of the nearest fire department station shall be kept posted near the telephone, and in case of fire, the fire department shall be notified by telephone at once, and the children, if necessary, shall be removed to the yard as quickly as possible.

Rule 31. Supervision of Doors and Windows. The superintendent or some one designated by her shall each day examine all screens, bars, doors and windows as to their proper condition. She shall

keep a record of all keys owned by the home, to whom they are intrusted, when given out, and when returned to her custody. She shall not intrust a door key to any child.

Rule 32. Care of Property of Home. The superintendent shall make an inventory of all property belonging to the home, on September 30 of each year. The inventory shall be entered in a book and shall be signed by the superintendent. She shall see that all property belonging to the home is properly protected and cared for. She shall keep all linen and articles of clothing belonging to the home legibly marked with indelible ink. She shall not give away, sell or destroy any property of the home without permission from the judge, and shall keep a record of all property that is so given away, sold or destroyed.

Rule 33. Purchase of Supplies. All furniture, other equipment, supplies and ordinary services necessary for the home shall be ordered from the proper authorities or other persons by the superintendent, and she shall keep a record of all such orders. No article of furniture or permanent equipment costing more than ten dollars shall be ordered by her, without the consent of the judge.

Rule 34. Repairs. The superintendent shall report to the judge concerning all needed repairs, alterations or additions to the building, or needed repairs to the furniture or other equipment. She shall order such repairs, alterations or additions as may be approved by the judge, and in case of emergency she may order necessary repairs without waiting for the approval of the judge. She shall see that all repairs or alterations comply with the requirements of the building department. She shall see that any writing on the walls or other defacement of property is promptly erased or repaired.

Rule 35. Expenses and Accounts. The superintendent shall administer the home with as great a degree of economy as is consistent with the welfare of the children. She shall keep a complete and accurate account of all expenditures charged against the appropriations of the home. Such accounts shall show the expenditures for salaries, wages of regular employees, extra help, heat, lights, meals, drugs and medicines and such other items as may be required by the judge. All bills shall be submitted to the judge for audit before being sent to the city treasurer for pay-

ment. The superintendent shall also keep a separate account of all money received as bail, give proper receipts therefor, and make proper returns thereof.

Rule 36. Donations to the Home. The superintendent shall keep a list of all donations made to the home. No employee shall solicit donations of any kind for the home or for the children without the consent of the judge.

Rule 37. Presents to Employees. No employee shall accept any money from any child in the home or any relative, friend or representative of such child; or, without the consent of the judge, any other gift from any such person.

Rule 38. Liquor and Tobacco. No spiritous or intoxicating liquor of any kind shall be brought into the home except upon the direction of a physician for medical purposes. No employee shall drink any spirituous or intoxicating liquors while in the employment of the home. No employee shall use tobacco while in the home.

Rule 39. Complaints. Any employee learning of any complaint concerning the administration of the home or the care or treatment of the children shall promptly report the same to the superintendent, and the superintendent shall promptly report all such complaints coming to her attention to the judge.

Rule 40. Court Room. The superintendent shall see that the room used as the children's court room is in proper condition for such use whenever needed.

Rule 41. Probation Office. The superintendent shall see that the probation office is properly cleaned each day and kept in order.

Rule 42. A copy of these rules shall be furnished by the superintendent to each employee and a copy shall also be kept in a place easily accessible to all employees. Each employee before entering upon his or her duties shall read the rules, and shall file with the superintendent a receipt therefor and a statement to the effect that he or she has read them.

Rule 43. Any of these rules may at any time be amended, suspended or cancelled by the judge.

Adopted this first day of March, 1912, to take effect immediately.

GEORGE E. JUDGE,

Attest: GEORGE CARSCADIN, *Chief Clerk.*

Judge.

APPENDIX H.

I. OPINION IN THE MATTER OF SIMONS v. McGUIRE.*

COURT OF APPEALS.

In the matter of the application of Jacob Simons for a peremptory writ of mandamus, respondent, v. John C. McGuire and others comprising the Municipal Civil Service Commission of the City of New York, John E. Kraft and others comprising the Civil Service Commission of the State of New York, and William J. Gaynor, mayor of the City of New York, appellants.

Appeal from an order of the Appellate Division, in the second department, affirming a final order of the special term granting a peremptory writ of mandamus.

Samuel H. Ordway and Albert DeRoode for appellants, Civil Service Reform Association.

Thomas Carmody for appellant, Civil Service Commission of the State of New York.

Terence Farley for appellant, mayor, etc.

Aphonso T. Clearwater, *amicus curiae* for the State Probation Commission.

A. I. Nova for respondent.

WERNER, J. The civil service law has been a prolific source of controversy and a subject of much judicial discussion. Its genesis and development are now familiar history. The principle which gave it birth is now embedded in our Constitution. Some of the earlier decisions which for a time stood as land marks have been swept away by later legislation, or supplemented by more recent judicial views based in part upon a gradual and systematic evolution of the statute and in part upon a better understanding of its practical workings. The trend of the earlier

* 204 New York 253.

cases reached its logical culmination in *People ex rel, Sims v. Collier* (175 N. Y. 196), where it was held that the duty of classification under the civil service law was quasi-judicial in its nature and was, therefore, not reviewable by mandamus but by certiorari as in other cases involving judicial functions. This was in 1903. Three years of experience under that decision demonstrated that this court had in effect assumed the functions of the Civil Service Commissioners, for every challenged decision of these officers was brought to this court as a question of law. The case of *People ex rel. Schau v. McWilliams* (185 N. Y. 92), which came to us in 1906, very pointedly presented the unfortunate tendencies of our decision in the *Sims* case and after mature deliberation we decided to retract our earlier views and held that the determination of a Civil Service Commission in classifying positions in the public service, although involving the exercise of judgment and discretion, is more of a legislative or executive character than judicial or quasi-judicial. The result of this conclusion in the *Schau* case is that the action of the Civil Service Commissioners in making classifications is subject to a judicial control that is limited to such questions as may properly be reviewed in proceedings instituted by writ of mandamus. The illustrations given by Chief Judge Cullen in that case clearly indicate the restricted range of view under the present rules. "If the position is clearly one properly subject to competitive examination, the commissioners may be compelled to so classify it. On the other hand, if the position be by statute or from its nature exempt from examination and the action of the commission be palpably illegal, the commission may be compelled to strike the position from the competitive or examination class, although in such case redress by mandamus would often be unnecessary as a valid appointment could be made notwithstanding the classification. *But where the position is one, as to the proper mode of filling which there is a fair and reasonable ground for difference of opinion among intelligent and conscientious officials, the action of the commission should stand even though the courts may differ from the commission as to the wisdom of the classification.*"

The case at bar aptly emphasizes the force of these observations. The question is whether the probation officers, to be appointed by

the justices of the Court of Special Sessions in the city of New York, are to be placed in the exempt class or in the competitive class under the Civil Service Law. The respondent, one of the appointees, and the justices of the Court of Special Sessions, assert that the position of probation officer is one which, by reason of its peculiar and manifold duties as defined in section 11-a of the Code of Criminal Procedure, no less than by the express terms of the statute creating the Court of Special Sessions and defining the duties and powers of its officers, belongs in the exempt class. This view has been sustained by the Supreme Court at Special Term and in the Appellate Division. The Civil Service Commission, the Probation Commission, and some eminent experts who are familiar with the workings of each, contend that it is practicable to formulate workable rules for a competitive examination for the position of probation officer. This variance of opinion is alone sufficient to bring the case at bar within the rule laid down in the *Schau* case. The position is one "as to the proper mode of filling which there is a fair and reasonable ground for difference of opinion among intelligent and conscientious officials," and, therefore, "the action of the commission should stand, even though the courts may differ from the commission as to the wisdom of the classification."

Counsel for the respondent urges, however, that the statute creating the office of probation officer for the Court of Special Sessions (L. 1910, ch. 659, sec. 96) declares that these officials "shall be deemed the confidential officers of the justices and magistrates," and that this is a legislative declaration that the office is to be placed in the exempt class; or at least that it is in effect a legislative classification. We shall not impute to the Legislature any intent to override the Constitution or to nullify the Civil Service Law. The Constitution declares that "Appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained so far as practicable, by examinations, which, so far as practicable, shall be competitive. Laws shall be made to provide for the enforcement of this section." Laws have been made for the enforcement of this section, and under the law, the Civil Service Commissioners, who are the duly constituted authorities, are charged with

the duty of classification. It would be unjust to ascribe to the Legislature any purpose to evade either the Constitution or the Civil Service Law merely because this statute creating an inferior position describes it as confidential to another superior office. The history of the statute (L. 1910, ch. 659) plainly negatives any such intent. It originated in the Assembly, and as at first framed, provided that "the offices of chief probation officer, and probation officer, shall be exempt from civil service examination." When the bill in this form reached the Senate it was amended by striking out these words and inserting the words "The chief probation officer and all other probation officers shall be deemed the confidential officers of the justices." This change, instead of indicating that the Legislature intended to place these positions in the exempt class, would seem to imply that the question of classification was left for the Civil Service Commissioners, to whom it had been previously delegated by the provisions of the Civil Service Law.

In the courts below much was made of the word "confidential" as used in the statute. That seemed to be one of the controlling considerations which led to the conclusion that the position of probation officer should be placed in the exempt class. The argument in that behalf in the opinions below is very full and able. Our answer is that we should not impute to the Legislature the intent to accomplish by indirection a purpose which it has directly and explicitly repudiated. Had the Legislature intended to place these positions in the exempt class, it would not have expunged from the bill the explicit declaration that these parole officers should be exempted from competitive examination and have substituted the equivocal phrase that they "shall be deemed the confidential officers of the justices and magistrates."

The exhaustive and informing briefs with which we have been favored, contained many suggestions which we have not overlooked. We have omitted them from the present discussion because experience has demonstrated that in cases of this character incidental references to non-essential details often tend to obscure the real point in issue. The point in the case at bar is that we cannot hold as matter of law that the position of probation officer, under section 96, chapter 659, Laws of 1910, is one which cannot be properly placed in the competitive class of the civil ser-

vice, and for that reason the question must be left to the decision of the Civil Service Commission.

The orders of the Special Term and the Appellate Division should be reversed and application denied without costs.

Cullen, Ch. J., Haight, Vann, Chase and Collin, JJ., concur: Willard Bartlett, J., concurs in result. Judgment reversed, etc.

II. MEMORANDUM IN THE MATTER OF SIMONS v. McGUIRE.

Submitted by A. T. Clearwater, a Member of the State Probation Commission.

COURT OF APPEALS OF THE STATE OF NEW YORK.

In the Matter of the Application of JACOB SIMONS, Respondent, for a Peremptory Writ of Mandamus

against

JOHN C. McGUIRE and others, comprising the Municipal Civil Service Commission of The City of New York; JOHN E. KRAFT and others, comprising the Civil Service Commission of the State of New York, and WILLIAM J. GAYNOR, Mayor of the City of New York,

Appellants.

Memorandum in behalf of the State Probation Commission. Submitted by A. T. Clearwater, a member of the State Probation Commission as *amicus curiae*.

The State Probation Commission appreciates the courtesy of having one of its members permitted to appear as *amicus curiae* in this case, and respectfully begs to present this memorandum concerning the status and work of probation officers, and the methods and results of civil service examinations for the position of probation officer.

POINTS.

- 1. The Position of Probation Officer is not Confidential in a Sense to Make Competitive Examinations Impracticable.**

(A) Historical Facts.

The special State Probation Commission appointed by Governor Higgins in 1905 to investigate the probation system, carefully considered the argument that the position of probation officer should be placed in the exempt class because of the claim that such officers stand in a confidential relation to the justices and magistrates. That Commission in its final report to the Legislature of 1906 stated its unanimous judgment on this question as follows:

“ This Commission is not of the opinion that the relation between the probation officer and the court is or should be confidential in the sense of being personal or private. A probation officer of long experience and of special qualifications for the position (Mrs. Ada Eliot-Sheffield), emphasizes the fact that the relations between the court and the probation officer may easily become too confidential, and that the action of the judge should be based upon reports by the probation officer which are publicly and openly stated, except in these comparatively rare cases in which such publicity would work unnecessary hardship to the prisoner. The relation between the court and the probation officer should be confidential in the sense that the court should have great confidence in the integrity and judgment of the probation officer. We are unable to see, however, that this is different in any essential particular from the degree of confidence which persons holding other important public positions should have in their immediate assistants, many of whom are chosen from eligible lists. The argument for the exemption of the position of probation officer on the ground of its confidential character does not seem to us to be well taken.” (Report of Commission, page 81.)

The establishment of the PRESENT STATE PROBATION COMMISSION in 1907 (Laws of 1907, chapter 430; now Con-

solidated Laws, chapter 54, sections 30 and 31) was opposed on the ground that a State department should not investigate or supervise the work of probation officers since their relation to the justices and magistrates is confidential. That this argument did not carry conviction with the Legislature or Governor Higgins is evidenced by the fact that the statute creating the Commission expressly **AUTHORIZES IT TO INSPECT THE WORK AND RECORDS OF PROBATION OFFICERS AND TO EXAMINE THEM UNDER OATH.**

The "confidential" status of probation officers was also urged upon committees of the Legislatures of 1908 and 1909 (in connection with Assembly bill No. 81, introduced January 7, 1908, and Senate bill No. 1107, introduced April 5, 1909); but, as before, the legislative judgment was registered against these claims.

When the Legislature of 1910 inserted the word "confidential" in the New York City Inferior Courts Act, it was done in an executive session of the Senate Cities Committee held within a few days of the close of the Legislature, and there was no public hearing on the wisdom of such action nor opportunity for outside protest and no debate on the floor of the Legislature. While the bill was approved by Governor Hughes, he disapproved of the characterization of the position as confidential.

(B) Statutory Provisions and the Practices of Probation Officers.

There seems to be nothing in subdivisions 2 or 3 of section 11-a of the Code of Criminal Procedure (which enumerates the powers and duties of probation officers) or in any other general probation law, to indicate any intrinsic confidential relationship between probation officers and the justices or magistrates under whom they serve. **ON THE CONTRARY, SUCH FACTS AS THE REPORTING ON INVESTIGATIONS OF DEFENDANTS BY PROBATION OFFICERS IN OPEN COURT; THE SIMILARITY BETWEEN THE FRIENDLY OVERSIGHT OF OFFENDERS BY PROBATION OFFICERS AND THE WORK OF PUBLIC CHARITABLE WORKERS OR OF PAROLE OFFICERS OF REFORMATORY INSTITUTIONS; AND THE ABSENCE OF FIDU-**

CIARY OR OTHER RESPONSIBILITY ON THE PART OF JUSTICES OR MAGISTRATES FOR THE ACTIONS OF PROBATION OFFICERS, WOULD INDICATE THAT THE POSITION OF PROBATION OFFICER IS NO MORE CONFIDENTIAL THAN THAT OF HUNDREDS OF OTHER PUBLIC EMPLOYEES IN WHOM ABILITY AND CHARACTER ARE ESSENTIAL, AND WHO ARE IN THE COMPETITIVE CLASS.

In the COURT OF SPECIAL SESSIONS OF NEW YORK CITY, probation officers are appointed and removable not by an individual justice, but by a MAJORITY VOTE of the justices. Each probation officer in this Court is assigned to a particular part of the Court in a particular borough, while the justices rotate among the different parts and boroughs. In this way, a probation officer from time to time serves under different justices, and might at times serve under a justice who, because of lack of confidence in him, voted against his appointment.

Furthermore, as a result of the rotation of justices, the reports by probation officers concerning the investigation of defendants are often made to OTHER JUSTICES than to those ordering the investigations. Likewise the reports by probation officers concerning the conduct of persons on probation are usually made to ANOTHER JUSTICE than to the one who placed the defendants on probation. Under these circumstances it is difficult to see how probation officers can be construed to be the CONFIDENTIAL officers of the justices.

The Appellate Division in its opinion intimates that the provision in section 11-a of the Code of Criminal Procedure that probation officers may be chosen from among the officers of humane societies or charitable or benevolent institutions, would be meaningless were the appointees to be chosen from an eligible list. This provision was inserted by chapter 613 of the Laws of 1903 at a time when the payment of salaries to probation officers was forbidden, and when the humane societies especially desired to have their agents do probation work among children without extra compensation. This amendment applied only to VOLUNTEERS and therefore had no bearing on the civil service classification of the position of salaried probation officers.

In this connection the non-confidential character of probation officers is again shown by the fact that JUSTICES AND MAGISTRATES OFTEN WAIVE THE PRIVILEGE OF SELECTING THEIR OWN PROBATION OFFICERS by accepting the services of the agents of the humane, charitable and benevolent societies. Such persons, ALTHOUGH ONLY IN PART UNDER THE CONTROL OF THE JUSTICES, are often called upon by the courts, EITHER WITH OR WITHOUT OFFICIAL APPOINTMENT as volunteer probation officers, to investigate defendants and to supervise those released under suspended sentence.

II. Examinations for Probation Officer are Practicable.

(A) History and Manner of Conducting Examinations.

The SPECIAL STATE PROBATION COMMISSION OF 1905-06 gave particular attention to the qualifications needed in probation officers, and to the manner of their selection. Up to the time of the report of this Commission the only examinations held for the position of probation officer were in the Chicago Juvenile Court and in the Boards of Magistrates of New York City. The latter examination, as was stated by that Commission in its report (pages 83-84), did not afford a fair test of the qualifications of the candidates, since it was entirely written and was conducted by persons having no direct knowledge of probation. The Chicago examination, on the other hand, was conducted with the assistance of experts familiar with juvenile court and probation work, and the questions, by referring to the treatment of hypothetical cases, offered opportunity for discovering the resourcefulness, judgment and humanitarian attitude of the candidates. The fact that the Chicago experiment had been declared to be reasonably satisfactory raised the presumption in the mind of the Commission that a similar plan might be practicable elsewhere. The Commission therefore recommended that the EXAMINATIONAL METHOD of selecting probation officers in New York State SHOULD BE GIVEN A THOROUGH TRIAL and that the examinations should be SO CONDUCTED AS TO TEST ESPECIALLY THE PERSONAL FITNESS of the candidates.

The Commission of 1905-06 made special inquiries concerning the oral examinations which had been held for certain positions in State charitable institutions which had features in common with the position of probation officer. The report of the Commission describes the manner of conducting such examinations as follows:

“For these positions the written examination has been wholly omitted, or counted as only a small factor in the result. The examiners have personally interviewed each candidate in the presence of a stenographer, questioning him in regard to pertinent matters, forming an opinion as to his personal qualities, and have conducted inquiries by correspondence with previous employers, and other sources of information; and on the basis of all these considerations have given the candidate a rating which determines his position upon an eligible list. The assistance of experts, having special knowledge of the subject, has been secured. * * * While this system assumes complete integrity on the part of the examiners, because it permits the identity of the candidates to be known to them, and therefore opens greater possibilities of abuse than the written examination (which is not wholly free from such possibilities), it does take into account the very important factors of personal qualifications which the written examination cannot reach.” (Report, pages 82-83.)

The final recommendation of the Commission on the manner of holding examinations was as follows:

“That in the conduct of competitive examinations for probation officers, persons having extended knowledge of the principles and actual operations of probation work be secured as assistants in the framing of questions and the rating of replies of candidates; that such examinations shall be, in part at least, oral, and shall take into account the personal characteristics of the candidates.” (Report, page 91.)

It will presently be shown that these **RECOMMENDATIONS HAVE BEEN FOLLOWED** in a majority of the examinations

thus far held for probation officer, including THE LAST EXAMINATION IN NEW YORK CITY.

TWENTY civil service examinations for probation officers have thus far been held in New York City, Buffalo, Rochester, Syracuse, Utica, Yonkers, Auburn, Lackawanna, Erie County, Kings County, Monroe County, Oneida County, and other places in this State. About 60 probation officers in this State have been appointed from eligible lists prepared by competitive examinations. Examinations have also been held in Illinois and New Jersey.

Representatives of the State Probation Commission and other persons familiar with probation work have been invited to assist in conducting thirteen of the examinations held in New York State by the State and the municipal civil service commissions. IN THE LAST NEW YORK CITY EXAMINATION, THE EXAMINERS INCLUDED THE SECRETARY OF THE PRISON ASSOCIATION, THE FORMER SUPERINTENDENT OF THE EDUCATIONAL ALLIANCE, THE SECRETARY OF THE CATHOLIC HOME BUREAU, A FORMER PROBATION OFFICER EMPLOYED AT THE TIME AS INVESTIGATOR UNDER THE RUSSELL SAGE FOUNDATION, THREE INSTRUCTORS IN THE NEW YORK SCHOOL OF PHILANTHROPY WHO HAD HAD PRACTICAL EXPERIENCE IN SOCIAL WORK, AND THE PRESIDENT OF THE STATE PROBATION COMMISSION.

The examinations for probation officer usually consist of three parts, a written paper on the duties of the position and the treatment of assumed cases, an examination of the experience of the candidates in probation, charitable, social, reformatory or other lines of work, and an oral test on personality. THE LAST NEW YORK CITY EXAMINATION ALLOWED A MAXIMUM OF 40 PER CENT. FOR THE WRITTEN PAPER, 30 PER CENT. FOR EXPERIENCE, AND 30 PER CENT. FOR PERSONALITY.

The written portion of the New York city examination consisted entirely of queries relating to the investigation of the history, character and circumstances of assumed cases of defendants, and the practical treatment of hypothetical cases of delinquents placed

on probation. It did not call for a technical knowledge of the law, but rather for common sense and resourcefulness in stating how the candidates would deal with the cases. In marking the papers, CREDIT WAS GIVEN FOR THE KNOWLEDGE OF SOCIAL CONDITIONS AND HUMAN NATURE, AND FOR THE JUDGMENT, SYMPATHY AND TACT DISPLAYED BY THE ANSWERS.

Those who passed the written test on the duties of the office were later rated on experience and personality. The oral examination was conducted by two members of the Municipal Civil Service Commission, assisted by the president of the State Probation Commission. Each of the candidates was interviewed singly by these three examiners in the same manner that an employer might interview applicants for a business or professional position. The questions related to the experience, training, habits and interests of the candidates, and to their reasons for desiring to become a probation officer and for believing they could succeed in such work. The interviews offered the examiners an opportunity not only to judge the mental endowment of the candidates, BUT TO GET AN IDEA OF THEIR PERSONAL APPEARANCE, MANNER, TEMPERAMENT, FORCE OF CHARACTER, AND GENERAL APTITUDE FOR PROBATION DUTIES. The questions and answers, as well as all other conversation during the interviews, were taken down by a stenographer.

(B) Recognition of the Principle of Examination by the Proponents of Exemption.

It is interesting and significant that even the justices and magistrates in New York city who desired exemption for the position of probation officer have admitted the need and value of examining applicants for equipment to this position, by themselves designating committees during the past year to examine candidates. When the positions in that city were about to be filled last summer without waiting for a civil service eligible list, EXAMINING COMMITTEES, COMPOSED OF JUSTICES OR MAGISTRATES, WERE APPOINTED IN BOTH BOARDS OF CITY MAGISTRATES AS WELL AS IN THE COURT OF SPECIAL SESSIONS OF NEW YORK CITY

FOR THE PURPOSE OF INTERVIEWING APPLICANTS. The privilege of appearing before these committees, however, was not generally advertised, and the interviews in most instances are believed to have been hurried and superficial. The manner of deciding upon the candidates to be recommended was also open to the criticism that undue weight appears to have been attached to the question of what persons indorsed the candidates. NEVERTHELESS, THE FORMATION AND WORK OF THESE COMMITTEES WAS A RECOGNITION OF THE VALIDITY OF THE PRINCIPLE OF EXAMINATIONS FOR PROBATION OFFICER.

ONCE THE PRACTICABILITY OF AN EXAMINATION FOR THIS POSITION IS CONCEDED, IT IS DIFFICULT TO SEE HOW THERE CAN BE ANY QUESTION AS TO WHETHER THE EXAMINATION SHOULD BE CONDUCTED BY THE APPOINTING POWERS OR BY THE OFFICIAL BODY SPECIALLY CREATED FOR SUCH PURPOSES BY THE CONSTITUTION AND THE LAWS OF THE STATE.

(C) Results of Civil Service Examinations.

The RESULTS of civil service examinations for probation officer HAVE BEEN VERY SATISFACTORY and justify the conclusion that, when properly conducted, competitive examinations afford a practicable test of the fitness of the candidates for appointment. The success of the examinations has been attested by judges and many other persons who have had opportunities for observing the labors and achievements of the probation officers chosen by such means. Many of the most intelligent and devoted probation officers in the State — those who have established a reputation for exceptionally high grade work — would never have been appointed were it not that open, competitive civil service examinations enabled them to demonstrate their ability and fitness and to win the appointments because they were best suited to fill the positions.

THE SUCCESSFUL OUTCOME OF THE LAST EXAMINATION IN NEW YORK CITY AS REGARDS THE

PERSONNEL of those at the head of the eligible list which was established, is shown by the following table of the OCCUPATIONS OF THE FIRST FIFTY PERSONS ON THE LIST:

Probation and parole officers.....	4
Employees of charitable relief giving societies	5
Employees of Department of Charities	3
School attendance officers	3
Women living at home	3
Employees of Catholic Home Bureau for Dependent Children	2
Teachers	2
Lawyers	2
Reporters	2
Agent, Society for the Prevention of Cruelty to Children..	1
Playground worker	1
Employee of Bureau of Child's Hygiene in Department of Health	1
Y. M. C. A. worker	1
Keeper in reformatory	1
Graduate student in sociology	1
Police sergeant, Catskill Aqueduct Force	1
Miscellaneous (most of whom were doing or have done volunteer charitable or social work)	17
	50

On the other hand, it is the experience of the Commission that when probation officers are appointed without examination, the appointments are usually made through PERSONAL OR PARTISAN INFLUENCES, and that not infrequently the appointees are incompetent or lacking the necessary humanitarian attitude. Unfortunately, notwithstanding the claim of confidential relationship between the magistrate and the probation officer, it is found that the magistrates and justices of the lower courts of the city of New York, in appointing probation officers without regard to an eligible list, have been strongly inclined to defer to the sugges-

tions and recommendations of the dominant factors of the controlling political organizations in that city. When it is borne in mind that there were over 2,100 applicants for the twenty-four positions to be filled last year in the city of New York, the Court can readily see the enormous pressure to which the appointing powers inevitably would be subjected were the positions declared exempt.

THE STATE PROBATION COMMISSION,

By A. T. CLEARWATER,

Member of the Commission.

APPENDIX I.

PROCEEDINGS (CONDENSED) OF THE FOURTH STATE CONFERENCE OF PROBATION OFFICERS, HELD IN WATERTOWN, OCTOBER 17-18, 1911.*

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INTRODUCTION.

The fourth annual State conference of probation officers, held under the auspices of the State Probation Commission, convened in Watertown on October 17 and 18. The primary purpose of these conferences is to discuss the most practical and successful methods of carrying on probation work. There has been a noticeable growth from year to year in the suggestiveness and value of the addresses and informal remarks made at these conferences.

In editing the proceedings it has been necessary to abridge them.

The fifth State conference of probation officers will be held in Syracuse during November, 1912. The meetings, although intended principally for probation officers, are open to the general public.

PROGRAM.

TUESDAY, OCTOBER 17.

Morning Session.

10:00-12:30 P. M. Opening Remarks by Hon. Frank E. Wade, Vice-President of the State Probation Commission.

Remarks by Hon. Joseph A. McConnell, City Judge of Watertown.

Discussion: How to Deal with Boy Probationers Under Sixteen Years of Age.

Suggested sub-topics:

1. Should the probationary treatment of boys vary according to their age; if so, how?
2. How much, as a rule, is the conduct of a boy probationer influenced by his "gang?" What should be the attitude of a probation officer toward the "gang" to which boy probationers belong?
3. How closely should a probation officer keep informed concerning the daily life of boy probationers?
4. Should boys be placed under the probationary care of women probation officers?
5. What should a probation officer do to insure that boy probationers have wholesome evening recreation, and that they are not out late at night?
6. What kind of reading is most beneficial for boy probationers?
7. What kinds of employment are most beneficial, and what kinds are most harmful, for boy probationers?
8. To what extent should a probation officer instruct and seek to influence boy probationers with reference to personal hygiene and sanitation in the home?
9. How can boys addicted to cigarette smoking be induced to give up the habit?

Discussion opened by Patrick Mallon, Probation Officer in the Brooklyn Children's Court; Peter A. Ward, Probation Officer in the Watertown Children's Court; and Henry H. Preston, County Probation Officer of Suffolk County.

**Discussion: How to Deal with Girl Probationers
Under Sixteen Years of Age.**

Suggested sub-topics:

1. Should the probationary treatment of girls vary according to their age; if so, how?
2. How closely should a probation officer keep informed concerning the daily life of girl probationers?
3. Should girls be placed under the probationary care of men probation officers?
4. What should a probation officer do to insure that girl probationers have wholesome evening recreation, and that they are not out late at night?
5. What kind of reading is most beneficial for girl probationers?
6. What kinds of employment are most beneficial, and what kinds are most harmful, for girl probationers?
7. To what extent should a probation officer instruct and seek to influence girl probationers with reference to personal hygiene and sanitation in the home?

Discussion opened by Miss Gertrude Grasse, Secretary of the Brooklyn Juvenile Probation Association; Mrs. U. C. Walker, Probation Officer in the Watertown Children's Court; and Miss Mary V. McCurdy, Probation Officer in the Newburgh Children's Court.

Afternoon Sessions.

2:30-3:30 P. M. Special Meeting of Probation Officers.

(This meeting, which was held pursuant to a suggestion made at the last Conference, was intended for probation officers exclusively.)

3:30-5:00 P. M. Discussion: Requiring Probationers to Pay Money for Family Support, Restitution, Reparation and Fines.

Suggested Sub-topics:

1. To what extent is it desirable that probationers convicted of non-support be required to make payments through the probation officer for the support of their families?
2. In cases of non-support how should the amount of the payments required from probationers be determined?

3. In cases of non-support of family, how, when and where should the money which a probation officer collects from probationers be delivered to the probationer's families? Should wives be required to go to the probation officer's office for the money; should the probation officer take it to the wives; or should the probation officer send the money to the wives by check or money order? Should such moneys be delivered by the probation officer to young children?

4. In what sorts of cases is it desirable that probationers be required to pay restitution for property stolen, or to make reparation for injuries or damages caused by their offense?

5. In what sorts of cases is it desirable that adult probationers be required to pay fines in instalments?

6. What precautions should a probation officer take to insure that the payments required of an adult probationer in the form of restitution, reparation, or a fine, are earned by the probationer, and are not paid by some other member of his family?

7. Should juvenile probationers be required to pay restitution, reparation or fines?

8. What steps should a probation officer take if he finds that a probationer required to make payments for family support, restitution, reparation, or a fine, is financially unable, except with great difficulty, to make the payments regularly or in the amounts required?

9. In collecting and disbursing moneys, what receipts should a probation officer give and receive, and what accounts should he keep?

Discussion opened by Archibald J. McKinny, Chief Probation Officer in the Board of City Magistrates, Second Division, New York City, Alfred J. Masters, Probation Officer in the Monroe County Court; and Timothy J. Shea, Chief Probation Officer in the Syracuse Police Court.

WEDNESDAY, OCTOBER 18

1:00 P. M. Informal Luncheon. Remarks by Hon. John B. M. Stephens, County Judge of Monroe county; Rev. Brother Barnabas, Superintendent of the Lincoln Agricultural School for Boys; and Dr. Edward T. Devine, Editor of the Survey.

Afternoon Session.

2:30-5:00 P. M. Discussion: The Probationary Treatment of Drunkards.

Suggested Sub-topics:

1. What facts are important to learn in the preliminary investigations of cases of public intoxication?

2. Should persons on probation for public intoxication be allowed to decrease their drinking by a "tapering-off" process?

3. To what extent, and under what circumstances, should persons on probation for public intoxication be permitted or encouraged to take a pledge?

4. What lines of probationary treatment are usually most important (a) in cases of men convicted of public intoxication for the first time; (b) in cases of women convicted of public intoxication for the first time?

5. How often and when should persons on probation for public intoxication be required to report to the probation officer?

6. To what extent is it important to pay attention to the probationer's health and physical condition, and to secure medical advice or treatment?

7. What should be done when a probationer is led to drink by reason of living or working near places where drink is sold, or near companions who tempt him to drink?

8. How long, as a rule, should persons convicted of public intoxication be kept on probation?

9. With what sorts of cases of public intoxication is probation usually most successful; with what sorts least successful?

Discussion opened by Miss Maude E. Miner, Secretary of the New York Probation Association; David W. Morris, County Probation Officer of Oneida County; Thomas A. Fletcher, Chief Probation Officer in the Utica City Court; Mrs. Rose D. Fitzgerald, Probation Officer in the Police Court of Albany; and William J. Dempsey, County Probation Officer of Oswego County.

PROCEEDINGS, FIRST SESSION.

OPENING REMARKS.

Vice-President Wade of the State Probation Commission: In the absence of President Folks, the duty devolves upon me of calling to order the fourth annual State conference of probation officers. It has been a pleasure to observe the growth of this conference. Starting in 1907 with an informal meeting of probation officers at Rochester, it has grown until it is now recognized as one of the established conferences of the State. It is unnecessary for me to call your attention to the value of these conferences. Probation is still in its formative stage, and you are all contributing to its upbuilding. Human problems can never be settled by academic methods. They must be tested and treated in such a manner as experience proves to be the most effective. To you in the field who come in daily contact with actual life, its temptations and its weaknesses, its aspirations and reformations, the State Probation Commission looks for suggestion and instruction.

In charity work, the relief officers deal in most cases with people who are moral. The unfortunate recipients of aid are the victims of the incompetence or misfortunes of themselves or others. The chief need in the personal treatment of such cases is that the relief officer in giving aid, get into friendly relations with the unfortunate so as to assist in improving home conditions. In prison work, society has raised a barrier which is difficult to overcome. When once the prison doors close on a criminal, a psychological change seems to take place. The tendency is to regard himself as an outcast. The loss of liberty tends to destroy self-respect and to create resentment against society. Before the officer can get into proper personal contact with the prisoner, this crust must be broken through and a new perspective constructed.

In probation work the situation is vastly different. The offender is not of the good moral fibre of the charity case and although convicted of a crime, he does not feel indelibly branded. The act of suspension of sentence impresses him vividly with the

quality of mercy. Feelings of disgrace and resentment are usually submerged under the deeper sentiment of appreciation of society's interest in his welfare. Probation is distinctly a redemptive relation behind which is the majesty and the authority of the court — the most respected institution in our government. As the representative of the court, typifying the constructive forces of redemption, the probation officer supervises and assists the probationer to upbuild himself in character and usefulness.

I was never so thoroughly impressed with this thought as I was last Thursday night when I attended a probation session of the Erie County Court. Over sixty adults, all convicted of felonies, mostly burglary, grand larceny and highway robberies had come to have their probation records reviewed by the judge. As I observed these men, young and middle-aged, most of whom had been on probation over a year and some for several years, happy and self-respecting, not one of them earning less than two dollars a day and some of them three and four dollars a day; and as I saw the judge discharge them from probation with a handshake and words of encouragement, I marvelled. If adult felons can be so genuinely reformed, I wondered if taking into consideration the better results to be expected from juvenile probation and that of misdemeanants, probation was not the Saint George who will eventually set his heel on the neck of crime.

During the past year, the Probation Commission has not sought new legislation. The year before, the probation laws were generally revised, and we deemed it advisable to try out these laws without requesting any changes, and to recommend necessary amendments later in the light of experience. We did, however, successfully oppose some legislation — a bill attempting to exempt the position of probation officers in the inferior courts of New York city from civil service examination, and a bill specifying the religious faith of probation officers in one of the New York city courts. The State Probation Commission last year exerted its best effort in an endeavor to retain the positions of probation officer in the inferior courts of New York city in the competitive class. After a long campaign it looked as if the attitude of the Commission would prevail. At this juncture, the question was taken into the Supreme Court and the court held that the ap-

pointment of probation officers in the inferior courts of New York city should be exempt from examination. This case is now on appeal to the Court of Appeals.*

Upon the recommendation of the State Commission, a municipal detention home was this year established in Syracuse, and an appropriation made for a woman probation officer. The Commission co-operated with the Woman's Club and other organizations in Albany in securing the appointment of a woman probation officer in the Albany Police and Children's courts. The Commission has recently conducted an extended investigation into the probation methods in the Buffalo City Court, and has held conferences with the judges for the purpose of recommending improvements in the service and the appointment of more salaried probation officers. During May and June of this year twelve probation conferences were held in New York city. The discussions engaged in by the magistrates and the probation officers were exceedingly interesting and instructive.

Permit me to remind you that the numbers reported as absconded from probation constitute about 5 per cent. of all who pass from probationary oversight. This proportion is too large, and the State Commission desires to co-operate with the probation officers to reduce the percentage.

The development of restitution under probation, the payment of fines in instalments, and the receipt of weekly sums for the support of families in non-support and abandonment cases, impose upon probation officers the collection of large sums of money. I cannot too strongly impress upon judges and probation officers the imperative need of exercising the utmost care, and of adopting the most effective system of accounting. The Commission feels that this matter is so important that it will gratuitously furnish cash-books, loose-leaf ledgers, and receipt blanks for the purpose of inaugurating the right kind of a system.

The most important proposition which has been suggested to the State Probation Commission is the correlation, to a certain degree, of probation and parole work. The State prisons under the maximum and minimum commitments, and the State reform-

* In January, 1912, the Court of Appeals rendered an opinion in favor of retaining the position in the competitive class.

atary institutions and training schools for children under the indeterminate sentence, are releasing large numbers of paroled prisoners and juvenile delinquents. The present methods of parole supervision are inadequate. It has been suggested that probation officers be used more extensively in looking after paroled persons and that the State Probation Commission take over the general supervision of the parole work carried on by probation and parole officers. If this power be conferred upon the State Commission, it will endeavor to organize just as effective methods of parole oversight as have been developed in probation.

In the program presented to you to-day, the subjects have been carefully selected and sub-divided so the important phases of the discussion will be covered. An opportunity will be given to everyone to speak with the utmost freedom. Let there be no hesitation or restraint. We want your live experiences, your vital suggestions, and your new ideas, and later we will endeavor to transform these experiences, suggestions and ideas into remedies and reforms.

City Judge McConnell of Watertown: The State of New York and all of its different communities are to be congratulated that we have now a law conceived by the spirit of Him who died upon the Cross between two thieves and forgave them, and born of the efforts of those of his followers who recognized that they were in a large degree their brothers' keepers. That is the spirit of the probation law. It is a substantially new thing in criminal procedure.

In olden times, punishment was meted out for an offense and there was no escape. Now, the court can exercise its sound judgment and discretion in carrying out the true spirit of this law.

Great good cannot but come from these gatherings, and from the discussions and suggestions in regard to the working out of this great law.

On account of the great good that can come from these discussions, it seems to me that the State or local communities should pay the traveling and actual expenses of those attending these meetings.

When I was running for the office of recorder as a young man, some of my friends thought that the experience I would have as

recorder in dealing with the criminal class would make me hard hearted.

With my eight years' experience in the office of recorder and with eight more in the office of city judge, I think I have more true sympathy for the erring to-day than I had as a young man entering the office of recorder. I see the influences that have brought men and women to the condition in which they are. Men and women, young and old, are brought to the commission of crime largely by the surroundings in which they are placed in their younger days. Your great work is to find the cause of the unfortunate condition in which the people, especially the young, find themselves, and to devise some means of placing them under more favorable circumstances.

I would say to each one of you, Don't try to do this work yourselves entirely alone. No one person in any community can accomplish the object of this law and assume the whole responsibility of the work himself or herself. He and she must associate around themselves other people who are interested in the work, and it is up to you to get as many to assist you in this work as possible. If you haven't already done so, form a society. You can be the leader, and have the different members work in the community in which you are. You will be astonished at the great work that can be accomplished.

The city of Watertown is to be congratulated on having such representatives as you are, coming from different parts of the State, and I want to extend to you, on behalf of the city, a cheerful welcome. We are glad you are here. We are proud of the work you are engaged in, and we hope you will enjoy your stay here and that your discussions will result in the utmost good. If you commit the offense of not appreciating our hospitality, I will have to assume the powers of judge and place you on probation under the care of our probation officers, Mr. Ward and Mrs. Walker.

Vice-President Wade: The suggestion of Judge McConnell that expenses of probation officers be paid by the community is a good one. I advise those of you who haven't already suggested it to the judges and city or county officials to do so in the future, and to get these expenses provided for if possible. The expenses

of some of the probation officers are now paid, and there is no reason why they shouldn't all be paid if the matter is set properly before the proper officials.

HOW TO DEAL WITH BOY PROBATIONERS UNDER SIXTEEN YEARS OF AGE.

Probation Officer Mallon of the Brooklyn Children's Court: We had better divide the boys into two classes; that is, boys who attend school, and those who work.

In the case of the boys who attend school, the first step is to use every effort to have them attend school regularly. In nearly every case of a boy brought to court, he is first of all a truant. By keeping him in school you get at the root of the evil,—not alone by the direct benefits of education, but by the greater benefit of order, discipline and obedience to authority which regular attendance to school will impress upon him. I wish that the school authorities in New York city could be trusted to go a step further and would exercise their authority, which I think they possess, to chastise the children who, without cause, have absented themselves from school, or in other ways broken the regulations. Impress upon these children that there is a punishment for wrongdoing, a lesson which when they learn it later won't have as good effect.

As to the conduct of the children while at home, you must depend largely upon the parents. We assume that these children are living with their parents, and, therefore, we should direct every effort, as Judge McConnell has said, to bring in all your assistants, the clergy, the school authorities, the various charitable organizations, who will use their influence to make the parents do their duty.

There is a question about gangs. I cannot understand any attitude of a probation officer toward a boy in a gang except to get him out of it. The boy gets a false idea of his relation to the law. He gets an idea that these boys are naturally antagonistic to the police.

The working boy on probation owes something to the court which has allowed him to go, and the probation officer is well within his rights in insisting that this boy attend evening school.

It keeps him away from temptations, and gives him an opportunity to acquire an education. Every probation officer can point out young men now occupying important positions who acquired their education by evening studies.

The low theatre is the most dangerous place in any community. Boys go there and their passions are aroused by what they see and hear; and the passions then being unloosed, work to their own injury, and especially to girls of their own age. The moving pictures are really clean and decent. One thing you have to guard against is the boys and girls of school age going in and spending their time together. That can be avoided by a strict enforcement of the law which forbids children under sixteen years of age to go into those places unaccompanied by their parents or an adult.

There is something we haven't reached yet, and perhaps the Probation Commission could do something; that is, the various forces in the community don't seem to work together. The probation officers and the courts should work harmoniously. Instead of that, each pulls his own rope and we haven't at all the success we would have if we pulled together. The Probation Commission, above all the little personal squabbles, is in a position to bring together not alone the various probation officers, but the other forces for good.

Probation Officer Ward of Watertown: I think that each case should be treated separately and individually no matter whether the probationer is eight or sixteen or eighteen years old. You can't lay any rule down for any particular set of offenses that a probationer should be ruled by. A man has got to study the home surroundings, the individual temperament, and the offense that he has committed.

The greatest benefit is derived by keeping the probationer at school and making him attend his church or Sunday school regularly and seeing that he reports promptly and having him kept in a clean home. Keep educating him to do it, and eventually he will be a good, neat, clean boy, provided his home surroundings are proper. If not, of course you have got quite a job on your hands. You will have to go to the house and see that it is kept up to the proper standard; see that the parents keep the

children at home nights, and that they report regularly. It is well for the probation officer to call on the parents at least once a week and inquire also of the neighbors and find the truth of what the parents say; see that they live up to their promises.

Probation Officer Preston of Suffolk County: I desire to impress upon the mind of every probation officer the necessity of not only being able to use different methods of treatment for the handling of boys and girls according to their ages, but to be able to study the characteristics of each one in order that the work of eliminating from the mind of the boy those qualities which are so distasteful to society may be the sooner accomplished. This can only be done by a thorough study of the boy or girl admitted to probation. Children are not all constituted alike, and for some reasons it is well they are not.

The successful management of any boy probationer depends very largely upon the power of discrimination which the officer in charge is able to give to each particular boy. I do not believe it possible to make any fixed rule which can be applied successfully to every boy placed on probation, or for even those of the same age, excepting the one which requires at all times that truth and honesty accompany every statement made by the officer to the boys under his care. Otherwise, the treatment of boys must vary according to their ages and the conditions of their make-up and environment.

Not only is the older boy apt to be more adept in the ways of wrong-doing, and thus to require a greater watchfulness on the part of those in charge of him; but boys of the same age often differ in their inclination to commit crime.

Everything depends upon the condition surrounding the daily life of the boy as to just what methods should be employed to reclaim and make him a useful member of society. This is the great work of every probation officer, for the greater percentage of success must come from probationers under sixteen years of age, and to this end we must redouble our efforts if the next generation is to show any mark of improvement from the results of our efforts to redeem the boys of this generation from their evil tendency to commit crime.

It would seem to me impossible for a probation officer to ac-

quire too great a knowledge of the daily life of his probationer, for if we are to obtain success we must keep in very close touch with the one we are trying to guide. Use all prudent means to obtain a thorough knowledge of the daily life of the probationer.

I can see no good reason why boys under sixteen years of age should not be placed under the care of a woman probation officer where such officers exist, except perhaps in exceptional cases. In the home, the influence of the mother upon her boy is far greater than that of the father.

Boy probationers should have wholesome evening recreation, and go to bed at a reasonable hour.

If the parents are in a position to give substantial aid, then the work of the officer is comparatively easy; but if they are not, then very much will depend upon the circumstances existing from time to time.

The kind of reading most beneficial to a boy on probation is none other than that which is suitable for all good healthy boys of the same age.

This same rule will also apply quite largely in the matter of employment for the boy probationer. No boy should be given over to indiscriminate employment and surely not where the likelihood of contamination is sure to be ever present. The employment should be of an uplifting character. Very great care should be exercised by all of us along this line.

Regarding the cigarette smoking so often indulged in by small boys, the present State law against selling cigarettes to boys under sixteen years of age should be strictly enforced. The good people of every community should be willing to aid the officers in the proper discharge of their duties in upholding the laws of our State which have been made for the benefit of our boys.

Probation Officer Shea of Syracuse: One topic is whether a boy should be placed under the care of a woman probation officer. I think that is a very good thing, except occasionally. If the woman probation officer is a firm, tactful woman of the calibre of the ordinary successful school-teacher, it is a great thing for a boy of that age to be under her care. The boy naturally wants to preen up at that age, and if he ever needs a gentle influence over him,

it is at that time. It seems to me that a boy between twelve and sixteen needs something other than the direction and influence that he would get from a man. It seems that the woman properly qualified exactly fits in at that time, of course aided by, and co-operating with, a man probation officer. It is excellent to have a man and woman, associated together, take a boy at that age and work him along and have him profit from the advice and experience of a competent woman probation officer.

I have seen some excellent examples of that in Syracuse in the last year. Boys develop from little ragamuffins to very presentable young gentlemen. By a little suggestion now and then, they have not been humiliated or shamed, and they have improved their personal appearance greatly.

Miss Grasse, Secretary of the Brooklyn Juvenile Probation Association: While I do not depreciate the influence of a woman on a boy of that age, particularly between fourteen and sixteen, I think that a boy at that age needs a man's point of view. No matter how hard women try, they cannot always get the boy's point of view. When it comes to personal hygiene it is only the man that can talk over many things that the boy ought to know. I don't think that a woman can do it with a boy between fourteen and sixteen. With the younger boys, women are very valuable. In the schools they are trying to get, the older boys taught by men, and I think it is not only for discipline, but that it is because at that age a boy needs the man's point of view.

Probation Officer Morris of Oneida County: I am especially favored in my work by having in the City Court of Rome a woman probation officer whose work is admirable and successful. She does more than most of us would feel like doing. She also runs a boys' club in that city, and I have been asking her to get up here and tell you about that boys' club. Miss Rosbrook is present but not voting. So far as I know, her work is wonderful.

Dr. Bernstein, Superintendent of the Hebrew Sheltering Guardian Society Orphan Asylum of New York City: I was very much impressed with the intelligence with which these various topics have been worked up.

On the first sub-topic, I would say that it is a well-known fact that we could not permit children of eight, ten or twelve years of

age to undergo the same kind of discipline as we would allow children of fifteen or sixteen years of age to have. Take, for instance, in the modern orphan asylum, the tendency of self-government which is very largely expounded toward the older boys and girls does not necessarily affect the younger children. It would seem to me that naturally in dealing with the particularly strong individuality such as you are likely to meet among the probationers, you would make a distinction between the young children and those about sixteen.

No social worker is unaware of the fact that at a certain age in the life of the child there is a tendency rather to crowd around with boys and girls of their own age,—the so-called gang spirit. In the institution we try to utilize that tendency by forming clubs, or by encouraging various co-operative activities to assist under proper intelligent supervision. From my knowledge of the normal child, I should judge that undoubtedly that gang spirit might be most advantageously taken hold of by the probation officer.

On sub-topic No. 4, I must say that I certainly share the views of Miss Grasse. In the school which our own institution conducts, I have practically eliminated women teachers for the upper and high school grades. I have, of course, the highest possible respect for the wonderful feminine influence upon the boy, particularly of the younger age. As a supplementary influence, the woman's influence is undoubtedly most valuable; but for the daily personal contact, in order to avoid what I would call effeminacy, I consider that for the boy between fourteen and sixteen the masculine influences are an absolute necessity.

Reading and evening recreation are important problems with the probationers, but if you think they are more important with the probationer than with the ordinary child, you are much mistaken. A boy or girl who does not have a definite or intelligent method of spending his or her evenings, or have decent, inspiring books to read, will overstep the line. I, for my part, consider it is the duty of the probation officer to familiarize himself with this phase of the work.

On the question of employment, I am not particularly competent to speak. I, for my part, on the girl's side would exclude the factory in spite of the many improvements that are made. I personally don't care to take any chance on factory work.

On the question of personal hygiene, the modern tendency in dealing with normal children is to have somebody who is expert discuss the problems of personal hygiene from the natural science standpoint. I can testify as far as the orphan asylums are concerned, that the results of such lectures have been splendid.

Probation Officer Killip of the Monroe County Court, Children's Part: I find in my work that the hardest thing I have to do is to get a boy to give up the cigarette habit. Quite often I encourage them to chew gum and furnish the gum, but he will get back to the cigarette habit. I say, "Been smoking?" He says, "Well yes, I had one or two puffs." In this cigarette habit, I think the proper course to pursue is to get after the people who sell cigarettes. In Rochester I met some boys on the street and they told me that Italians were selling cigarettes to the boys. The boys in one of the parochial schools told the sisters the names of three or four. Judge Stephens, who has charge now of all children in the Monroe County Court, has stated that it was up to us probation officers to find out who was selling the boys cigarettes, and he would take care of those men who were doing it.

Secretary Towne of the State Probation Commission: The gang spirit among boys, in my judgment, is a most important factor to be taken into account by probation officers. Those who have studied and observed boys know that the gang instinct develops at a certain period in their life, at say ten or thereabouts. Boys at this age usually want to get together in gangs. Some gangs are bad and some are good, but whether good or bad, boys are going to form these gangs. Each gang has its leaders and heroes,— its leader in the fights; its judge who settles disputes, and its practical joker. The influence of these leaders over your probationer is often much more lively and potent than is the influence of the boy's own father or mother, or that of the school teacher or probation officer. Under such circumstances it is hopeless for a probation officer to expect to do effective work simply by having the boy report to the probation officer once a week and by going to the boy's home every week or so, because during much of the rest of the time the boy is under the influence of other boys, who in his eyes are his heroes.

What the probation officer should do is either to wean the boy away from his gang if it is a bad one, or to develop the gang into a good one. Dr. Bernstein said that he was recognizing and utilizing this gang spirit in the orphan asylum work. That is what is being done by many social workers. The settlements and the old line masse boys' clubs are being honeycombed with group clubs. The churches and the Boy Scout Movement recognizing that boys will congregate, are striving to see that they congregate under wholesome influences. Dr. Forbush in his "Boy Problem" recommends that efforts be made to induce the boy by such means as seem most likely of success to like his church or Sunday school gang. Of course, the probation officer cannot always organize these gangs and supervise them as Miss Rosbrook has been able to do; but what the probation officer can do is to follow the suggestion made here to-day, that the probation officer utilize other social forces and organizations in the community. We should secure the co-operation of Boy Scout leaders, Sunday school workers, boys' club superintendents and settlement workers. See that your boy probationers are invited into some of these clubs where they can spend their time amid good influences.

Another topic relates to the employment of boys. I think we too often rest content if the boy of working age and with his working certificate is employed. We don't always stop to think enough about the effects of the employment upon his character. Certain occupations are very bad in their effects on the boy's health, moral sensibilities, and capacity for future industrial advance. For instance, the messenger boy trade in cities as it has ordinarily been carried on is harmful. The peddling of newspapers on the street corners in the larger cities is often undesirable. Employment in certain factories and other places lead nowhere. The boy has no chance to get an increased wage.

It would be well if the probation officer could study each boy and find out what he is adapted for; whether he has mechanical abilities; whether he would like clerical or outdoor work; and could also know something about the industrial opportunities in the community. It is comparatively easy for a probation officer to acquire this knowledge if he will do a little reading along the line of vocational guidance and will make the necessary inquiries locally. Professor Parsons of Boston developed a few years ago

a bureau in that city known as a vocational bureau where he gave advice to adolescents and young men and women as to what sort of occupations they were best fitted for, and what the chances were for them to get work in the different fields of employment. This work is now being carried on also by certain of the school teachers in Boston. The idea is spreading to other places.

Probation Officer Salisbury of Saratoga County: My work is small, but it covers a great deal of ground. I will say this much, that our truant business in that section of the country has been very successful, and I have got a good helper, the superintendent of schools. As soon as he has a truant he goes before that class and says, "Now if you don't go back to school, I will have you on probation." I will state this much, that among the larger boys there, I have had very few truants this past year, and it was only a week ago that the superintendent spoke to me in regard to what probation has done in that section of the country. In regards to the other work, probation is spreading in Saratoga county.

Parole Officer Mott of the State Agricultural and Industrial School for Boys: I have in charge quite a few boys from the State Industrial School. I have had occasion to run across this question of cigarette smoking, and to me it is a vital question to know how to induce boys to stop that habit. I have boys of various ages. Take a boy over sixteen years of age. I have argued with them a great deal to try to get them to throw aside the cigarettes and use a pipe or cigars. To me, it isn't one of the worst offenses that a boy can commit to use tobacco. Adults have been known to use it. If we can get a boy to change that habit from cigarettes to the pipe or cigar, haven't we accomplished more with a boy over sixteen, than to try to get him to eliminate the habit entirely and then fail?

Another question is that of employment for boys. I think each boy should be carefully studied, and after knowing the boy's instinctive desire by questioning him, many times you can find out he has a taste for mechanics, maybe for electrical work, and by personal intervention with some of the firms where he resides, you can get him a position where he will work as an apprentice for a time and gradually work up. I have some boys that are under

my charge in the city of Binghamton that are doing very nicely along this line. I have two in mind that are working as molders, that have done splendidly during the past year. I have some in other cities doing nearly as well.

This matter of cigarette smoking seems to me one of the vital matters that should not be passed over. There comes to my mind a boy in Syracuse whose insanity could be attributed pretty directly to that. Something about a year ago he had to be committed to the St. Lawrence Hospital. After a time he was released as being cured, and only a couple of weeks ago he was going insane again.

Secretary Towne of the State Probation Commission: The two best cures for cigarette smoking that I have ever met are running or other active athletic sports in the summer time, and basketball in the winter. A boy who smokes doesn't have "wind." Athletics will often accomplish results when all other methods fail.

Mr. Corbin of Gouverneur: I am formerly of Norwich, Conn., and in addition to doing the work of relief officer, I had to be probation officer. I think that the great trouble with most probation officers is that they try to do too much. It seems rather hard on the boys to tell them that they shall not peddle papers and go to the show. The duty of the probation officer is to see that there is something developed in the town in which these boys can find interest. My hobby has always been music, and I usually had evenings open for the boys and Sunday afternoons. We had one very interesting banjo club which comprised some Jewish and colored boys. We had banjo music and mandolin music. Some of them could sing quite well. We didn't try to sing very many hymns, but popular songs. Two or three sung parts.

If you get the opportunity to start a boys' club and can work with the gang spirit, and also get those that are interested in special lines to make it interesting for the boys, the boys can enjoy themselves while doing a little work.

HOW TO DEAL WITH GIRL PROBATIONERS UNDER SIXTEEN YEARS OF AGE.

Miss Grasse, Secretary of the Brooklyn Juvenile Probation Association: In answer to the first question on the program — Should the probationary treatment of girls vary according to their age; if so, how? — I should say that the difference should not be made so much according to age as to the development of the girl. We know that a girl of fourteen is very often developed away beyond her age, and again the girl of sixteen you may find is a mere child.

In answer to the second question — How closely should a probation officer keep informed concerning the daily life of girl probationers? — I would say, as closely as possible. With the school girl that is very easily accomplished by keeping in touch with the teacher. A personal interview with the teacher is more successful than writing. You often get a better idea of how to manage your girl when you talk to the teacher who has this girl during the greater part of the day. The older girls are very often harder to keep in touch with, and if they are employed you have to know about their occupation.

In answer to the third question — Should girls be placed under the probationary care of men probation officers? — I would most emphatically say, no. Most of our girls come to the court for moral delinquency, and it is not wholesome for such a girl to be placed under the care of a man. There is an opportunity for a woman probation officer to discuss many problems with the girl which a man could not, and it would detract from the girl's self respect to be under the care of a man.

The fourth question is a very hard one to solve, What should a probation officer do to insure that girl probationers have wholesome evening recreation, and that they are not out late at night? The most important agency for that I consider the settlements. There are usually clubs for older and younger girls. When the home has not really been so bad, and if the mother wakes up to her responsibilities when the girl is brought into court, you can occasionally get her interested in having parties at the girl's home. Of course the girl wants to have fun. Get the mother to understand that she ought to go with the girl to places of amusement. I don't say that that is possible in all cases, but often it is.

In regard to the next question — What kind of reading is most beneficial for girl probationers? — I said to a friend, "Do you think that the conference would be very much shocked if I were to say that a really good love story makes very good reading?" I don't mean to say that that is the only kind of literature for a girl of that age. As said before, almost any reading which is good for other girls is equally fit for girls on probation. I have found it a good plan to get the librarian in the nearest library interested to help the girl to select her books. The librarians are glad to help in that way. Besides, there are often lists which give the new books, and they can be had on application.

I presume the most protected employment is household work, and we place a great many of our girls into household work. Many people come to our office and their chief idea is to get some one to do as much work as possible. I often have to ask why they come to the Children's Court, and when it is explained to them that this is their opportunity to help a girl and make something of the girl, they almost always arise to the point. We don't place any girls in homes where there is doubt that they will not be equal to it. My assistant, who is new in the work, recently made a tour in the homes, and she said she was impressed with the fine view the people had of their responsibility toward the girls. Of course we look after the girls for some time. They are mostly under sixteen. We write to them and meet them when they come to the city.

I don't blame a girl who doesn't want to go into a household position, because it means long hours and constant work, and unless the people are really good to her, it is hardly her own life. But it is the most protected of the occupations for girls.

I think for our girls who are unskilled and cannot get into many occupations, a good factory is not to be despised when run on good principles. I consider long hours or night work, or that which would require long hours of standing, as injurious to a girl.

The last question — To what extent should a probation officer instruct and seek to influence girl probationers with reference to personal hygiene and sanitation in the home? — is a very important one, and one which a probation officer should most decidedly take up. I have seen the whole life of a family changed by a tactful probation officer going in and discussing personal

hygiene and household work. It should be done in a very tactful way, and at the proper time.

Mrs. Walker, Probation Officer in Watertown: First let me mention a point concerning boys that was left untouched, that is, giving little boys something to do. Get them out of the habit of going behind houses and picking up old copper and iron. Several years ago I got together a class of little boys in a house that I was privileged to occupy. I came across an old man who had a drill. He formed a military company, and they thought they were following military tactics all the time. During this time mischief would be going on among other boys, and in investigating this mischief I remember one instance where I inquired of one of the boys if he knew another boy did something wrong. He said, "It wasn't him, he wasn't there, he belongs to your club." It was an honor to belong there. Circumstances finally made it impossible for the club to go on further, but I think if something like that could be done, you would have gangs of different type.

With my girls, I go and make friends with them. I make friends with their mothers and their mothers' friends, and if necessary find out how the girls got in their bad predicament. If I write a note to one of these girls that I want to see them or their mothers, they never fail to come. I have the care also of girls sent from institutions, and those that are placed under the care of the society. I make it my business to assume charge over them, and they expect to report to me no matter where they are. These girls are in families, and I always see their employers, and if an employer says to me that she is willing that her girl should go out some afternoon and stay out until bedtime, I don't let them stay there or go there. I wouldn't allow a girl to go where she doesn't have more oversight than that. If a girl is left to go out alone without any oversight, she is on the road to ruin.

I have some that find probation so oppressive that they move out of town. I had two families. One of them has gone out of town, and in another case I have sent the mother a note that she must come to see me. She said they are going to Carthage, and I said, "Very well, I will go to Carthage, too."

Miss McCurdy of Newburgh: In the matter of the treatment of girls varying according to their age, it seems to me it is necessary

to vary according to condition and not to age. A girl twelve years old had lived so closely with her mother who was a very immoral woman that she was unsafe for any children of her own age to mingle with. Finally she had to be put in an institution. On the other hand, I had a girl fourteen years old, and the principal thing for her was a doll. I encouraged her to play with a doll, so I feel the conditions are much more to be considered than the age.

A probation officer can hardly keep too closely in touch with the daily life of the girl. The girl problem is a more delicate one and harder to handle than the boy problem. There are so many things we don't want to risk with the girls.

I would say surely no girl should be placed under the care of a man probation officer. He may be ever so tactful, but the girl problem needs the woman probation officer. Of course I am handling more boys than girls. I have found that the boy seems to do very well under the care of both a man and a woman. I have boys under my care who really are not legally under my care, but who come to me seeking advice. On the other hand, I have come across problems where I felt it was not my problem and that I would not be competent to handle it, and I have called upon some man to handle that difficulty.

Girls must have amusement. They will be interested in good wholesome recreation if you can get it. Even the children who have had the excitement of the cheap shows, that are not desirable, enjoy the wholesome amusements. I had a most interesting evening when I took twenty-five of my probationers to a theatre in Philadelphia.* In that group I had my worst boy. He wouldn't play the games in the settlement, and when other boys were playing he was absolutely beyond control. I took him with a great deal of forebodings, because he was used to the excitement of the Wild West. I had him sit near me because I felt that I might have to put him out, and at the end of the first act he was perfectly speechless. He said "Gee, that is a good play all right." Every boy and every girl was as intensely interested in that beautiful play as they could possibly have been in the plays they were used to. In the small city is the difficulty that there is not enough co-operation to insure wholesome recreation for the girls.

* Miss McCurdy was at the time a probation officer in Philadelphia.

About the employment I think that the household occupations are the best. There is considerable difficulty in getting some of the girls to take that kind of occupation, because the hours are so long, and it is hard to get just the desirable home to put them in. I have felt that unless there is some interest shown in the girls they cannot be helped. I have placed a girl in good families where she was so depressed all the time that I felt it was necessary to take her out, and yet I think if you can put them in the family that is the best occupation.

As to personal hygiene, it is highly important and requires a great deal of tact, but it is a most necessary thing. If the girls can be taught a great deal of housekeeping, it is best. I have a case now in my associated charities work of a young woman who was taught absolutely nothing. She is twenty-one years old, married and has had three children; she separated from her husband and has gone back to him again. The whole trouble is because the girl has not been taught to take care of her house; how to spend her money. The home is a wretched and miserable one, and yet there is enough money coming in to make it comfortable.

Probation Officer Mallon of Brooklyn: In the Children's Court of Brooklyn, the practice was established of placing children on probation with probation officers of the same religious faith. On the records of the court it appears that the girls were paroled to Mr. Mallon. That is true, but I never, of course, visited them. Miss Leitch, connected with the Catholic charities, visited the homes generally. After all, this great work is a branch of charitable work. The Catholic charities in Brooklyn had about two thousand girls under their care in the different religious institutions. The results of placing out girls in families were not at all satisfactory. Ten years ago, I believe that was the solution of the girl problem. We have found it necessary to employ an investigator and she goes and sees every home in which a girl is placed. She makes the arrangement to see that the girl is properly paid, and visits her. She changes them from time to time. The fact is that these three or four young women report every day and talk over these cases in the office. It is very unsatisfactory placing girls in service, especially untrained girls. The result is that they have put up a building at an immense expense, and they em-

ploy specially trained people to have those girls trained for domestic service. The first batch of thirty is now being placed out.

Miss Leitch, Probation Officer in the Brooklyn Court of Special Sessions: I think with Miss Grasse and all the others who have spoken that the probationary treatment of girls varies according to the development and environment of the girl. You cannot find that out at the first conversation. With subsequent conversations the knowledge of the girl has sometimes surprised you.

I don't think we ever can keep closely enough informed unless the girl is responding in her best efforts.

Wholesome recreation is very difficult. I find we have very few girls coming to the court who come from decent homes and who have respectable mothers. I cannot understand how a careful mother — unless it be a woman who is obliged to leave her home during the day — loses touch with her daughter sufficiently long to let the girl get into court. There is where the trouble comes in. Very few of the girls that I have had in charge have a decent home where they could have wholesome recreation. Very few of the girls have any taste for reading, and very few of them have a corner where they could sit down and read. They are neat, and when I have seen the home I often ask them, Where do you keep your clothes? I don't suppose they would ever bother about the books. I don't see how they manage to look as respectable as they do. Most of the girls don't take time for reading.

As for the employment, I have been very interested in hearing about the vocational training, because I think it is necessary. In most of the cases we have, the child's income is the only idea taken into consideration by the child or its parents. They don't take time to consult her tastes. I think the domestic employment is a very difficult one in which to find the right place for a girl. In the first place, a girl who goes into a home in such a capacity is looked down upon, — particularly by girls of her own age in the family. It is only natural that she should feel the difference. It is extremely hard with the boys in the family. We used to look on that as the solution of the problem, but now I think it complicates it more than ever.

In answer to the question — To what extent should a proba-

tion officer instruct and seek to influence girl probationers with reference to personal hygiene and sanitation in the home? — the probation officer should seek to instruct and influence the girls in every possible way. When you win the confidence of the girl, she looks to you, and if she is responding at all, I think she is proud to seek your confidence, and expects and hopes that you will take an interest in all her doings. Some of these girls when discharged from reformatories come back and consider you their friend.

Miss Pearlman of the Council of Jewish Women in New York City:

I want to lay emphasis upon the necessity of probation officers teaching sex hygiene to boys and girls. Unfortunately the public schools have not reached that point. Since we are dealing with delinquents, it seems to me proper that the probation officers should take this question in hand.

Another point that it seems to me very little stress has been laid upon, is the necessity of visiting the homes. I cannot see how effective probation work can be done with the little time at the command of the probation officers, and the very rare occasions on which they can see their probationers. It is very necessary that the parents should have some influence on the children. The probation officers should have close contact with the homes and parents, and train the parents to understand their duty toward the children, and how to train the children toward doing the things that are proper.

What seems to be the most important thing to me is industrial training for boys and girls immediately after leaving the public schools. I think it would be economy to the State to subsidize families to allow children to get some industrial training. The organization for which I work makes it a special business to take the immigrant girls and place them in the various trade schools which we have in New York. Where the young girls are already working we try very hard to have them join the classes in the various settlements, such as millinery and cooking classes, and it seems to me a most necessary thing that a special effort be made for the industrial training immediately after leaving the public schools.

Mrs. Ford, Probation Officer in the Monroe County Court, Children's Part: Our work in Rochester seems to be different. In the first

place there are not many girls put on probation. There is a petition filed, and the judge asks me to investigate the case and then they may not be brought into court at all. We are asked to visit the homes and we have had very few during the last year. My experience has been that the girls need mothering more than anything else, and I have changed their environments; that is, have taken the girls away from their homes, when I feel that I cannot improve the conditions at their home. I think there is good in every girl, and I try to find out what that good is and bring it out. I never take a case alone. If a girl is placed under probationary oversight to me, I get somebody interested in her beside myself.

Vice-President Wade: Where do you put the girls?

Mrs. Ford: In private homes. I keep a list of homes willing to take girls, to give them a free home or pay them a salary. I never allow a girl to go into a home for less than \$2 a week; and I try to get just as near the girl as I possibly can, and find out what she is adapted for. We have a vocational school and evening schools. I have one girl that I took home with me. She is attending the evening school. I found she wanted to be a dressmaker and she is taking up dressmaking in the evening school, and she takes music lessons also.

Vice-President Wade: Of course a very careful investigation is made first?

Mrs. Ford: I always go myself.

Vice-President Wade: Have you had time to see the results in the cases of girls placed in these homes?

Mrs. Ford: So far, I haven't had any bad results.

Probation Officer Mallon: How are the children taken away?

Mrs. Ford: By direction of the court in cases of the children brought before it. I have sometimes had the mother and father change their home.

Probation Officer Mallon: Is there any judicial finding that the home is unfit?

Vice-President Wade: The investigation ought to be a very strict one before the child is placed in the home, not alone as to the character of the people, but also as to their temperamental relation toward the children.

Mrs. Ford: We had a girl whose mother came in and complained that the girl was ungovernable. The judge asked me to find out the facts. I found the woman living in an unmarried state with a man. She had had twins by this man, and they had been adopted. The house was in a filthy condition. I told the woman to have the man leave or that I should take the girl away. She preferred to have the man stay, so I took the girl away and placed her in a home. There are two other boys, and they are in the care of the truant officer. I know our conditions are different in Rochester than anywhere else, but we seem to have very little trouble with this new law.

Vice-President Wade: I would like to explain that there was a law drafted a year ago which places the jurisdiction of the Children's Court in the county of Monroe, in the County Court, taking it out of the Court of Special Sessions where it has always been in this State. The law also makes certain other provisions for the welfare of the child. In this State it is an experiment, but in many of the western States, the jurisdiction of the children's courts is similarly placed in the higher courts. In this State the question came up for discussion as to where the jurisdiction of the Children's Court ought to be, and this Monroe County Act is now being tried as an experiment, and it seems to succeed admirably.

Mrs. Green, Probation Officer in the Brooklyn Children's Court: In a case that I have under my supervision, a sister sent for a little girl to come to live with her. She came from Austria; she is about eleven years of age; her mother is dead, and her father is quite an old man. When the sister came here, the married sister provided a home for her. The younger sister was on the street wheeling a baby carriage, and a truant officer came along and found out that the girl ought to be in school. The truant officer followed the case out and told the sister that this girl had to be placed in school. The sister said she sent for her as a servant. The truant officer threatened to bring the sister to court, and when she heard that she came down to the Children's Court and made a complaint against this girl of being an ungovernable child.

The investigation showed that the girl was not ungovernable. It is more an improper guardianship case. Although the sister

sent for this girl to come, she did not care for her. The sister wanted to get rid of this girl and place her in an institution.

I have taken the girl away from the sister, and have placed her with friends. The girl was with a lady five or six months, but it seems she didn't understand how to bring up the girl and she brought her back to court. I am sorry to say our race — the Jewish race — has no place for an improper guardianship girl. I have the girl at the present time in my home. She is a very good girl and brings home every week a star for good lessons.

There is another case of a girl. About fourteen months ago the mother and father came to the court and made a complaint. She was not desirable in school. She was ungovernable. I followed that case fourteen months. She was at that time in her twelfth or thirteenth year. The parents didn't understand the child, and she didn't understand the parents. The home conditions were not bad, but the parents didn't understand how to handle this girl.

I had the girl on probation for fourteen months, and last month sentence was suspended. I secured her working papers and she is now working and doing fine. Last week she was laid off for a few days and she came in to see me. I often visited her home, and the grandmother was on her knees to think that this girl was so straightened out. She has grown to be a fine young lady.

Mrs. Park, Probation Officer in the Brooklyn Children's Court: Before we can properly deal with the girl we must find out something of the home surroundings, and see how the girl has been living, and just how much interest the mother and father have. I have found as we have gone into these homes — and I must say I had rather have a dozen boys than one girl — I have found that when we come in contact with other members of the family, we are able to do a great deal of preventive work, which to my mind is quite as important as dealing with the child who comes into court. I wish that we could do more preventive work. I wish it was possible for every community to have special persons, paid by some organization or the city, to go into the schools and into the homes and help the mothers who have big problems on their hands. Often they have a family of eight or ten children.

I think we all have very high ideals for our work, but when we know that we have so many children on hand, so many that we must do something for, we are not able to live up to the standards we have set for ourselves. I don't always feel that after dealing with a boy or girl we have entirely lost him or her if we have to have them committed to an institution. I feel after we have studied the problem that it is the best thing for their future; that they may be sent somewhere where they will be under a different guidance, where they may have the vocational training which we feel is so necessary for the children of to-day.

We find it is impossible to have all our girls go into homes, and these girls ought not to go into the factories. If it is possible, we like to have everyone of them learn just the thing they want to do, but this is not always possible.

For recreation, they must have it. We must get them in touch with the clubs and Sunday schools. I have gotten quite well acquainted with the superintendents of our various Sunday schools and the leaders of our Epworth Leagues by writing them of a girl or boy who needed to come into contact with the better class of amusement, and by asking them to call on them. I have often had the girls at my own home during the winter, dividing them, of course, into two classes, the older girls and the younger girls, having some girls in the evening and some in the afternoon.

Miss Grasse, Secretary of the Brooklyn Juvenile Probation Association: We have found it advisable to go into the schools, and take care of the younger girls and many of the younger boys who would eventually come to the court. It came to us in this way. We were looking after a boy discharged from an institution, and the principal of the school turned to me and said, "Why do you people wait until a boy has been to the court and through the institution?" We asked how we could do this, and she said, "I will give you a dozen cases right here." We have taken up that part of the work, and are trying to have paid workers and volunteers help us wherever we can. We believe in using both classes of workers in carrying out the preventive side of the work.

Vice-President Wade: If there is no further discussion we will close the conference for this morning. There will be a meeting

for the probation officers at 2:30 this afternoon. This meeting is for probation officers only, and the representatives of the State Probation Commission will not be present. You can talk over any matters that you desire in confidence and without restraint. At 3:30 the regular program of the conference will be taken up when we discuss the probationary treatment of drunkards.

City Judge McConnell of Watertown: I cannot, in justice to my own feelings, allow this occasion to pass without making some remarks of a personal nature to you here present. I refer to Mrs. U. C. Walker. You have heard Mrs. Walker speak this morning. She didn't tell all her personal experiences, but I have known and watched for twenty-five years and upwards her work in this city. I know personally young girls having been placed under her charge, that are now married, respectable women of family. They received their lessons in family life from Mrs. Walker. Her true reward will never be here.

I would not take up your time now to express my personal appreciation of the great work this woman has done, were it not for the fact that she tells me that on the first of April she will give up her work, and go to a loving son to make her future home. I want to thank her in behalf of the city, and in behalf of those for whom she has done so much.

Mrs. Walker of Watertown: I cannot express in words what I feel toward Judge McConnell for his laudation of the work that I have done. I only wish it was better deserved. I have worked here because I have loved the work. Some of my girls I took from the very lowest depths, and they are now respectable members of good homes and are doing well. They are all of my family and I have got a pretty large family.

SECOND SESSION.

PAYMENTS OF MONEY BY PROBATIONERS.

Vice-President Wade: We will take up the discussion of the important subject of requiring probationers to pay moneys for family support, restitution, reparation, and fines. The development of probation in the way of collecting fines in gradual instalments, restitution for property destroyed or stolen, and support for families, is becoming more and more a feature of probation work. This is particularly true of non-support and abandonment cases. Probation officers have been getting remarkable results in these cases. It has led to what are known as domestic relations courts. There are two in Greater New York; that is, one in Manhattan and one in Brooklyn, and also one in Buffalo. Every magistrate can have a little domestic relations court of his own by adopting the necessary procedure.

The collections of money for non-support amounts to large figures. Last year in the city of Buffalo there was something like thirteen or fourteen thousand dollars collected by the probation officers, and about thirty-five thousand dollars paid directly by the probationers to their families.

Chief Probation Officer McKinny of the Magistrates' Courts in Brooklyn, Queens and Richmond: The probation officers of Brooklyn feel some pride because of the work accomplished in the Court of Domestic Relations in the district. In September, 1910, the first month of the court, there was collected \$367. The payments have since gradually increased from month to month until the amount has reached over \$4,000, which sum was collected during the month of September, 1911. These collections will undoubtedly be increased further in the future, as under the provisions of a bill passed at the last Legislature the magistrate of the Court of Domestic Relations has been empowered to make a more equitable division of the income of the father, so as to better provide for the dependent family than it was possible heretofore.

The bill referred to here is known as chapter 814 of the Laws of 1911. It is entitled "An act to better protect the dependent wives, children and poor relatives and to declare them the primary beneficiaries of sums of money and any property awarded for their maintenance and support by any court, judge, magistrate, police justice, justice of the peace or judicial officer in this state." It provides that the magistrate shall have power to determine what shall be a fair and reasonable amount for such support and maintenance to be paid by the party adjudged liable to be charged therewith commensurate with his financial ability and according to his means. The bill was prepared by the Hon. Edward J. Dooley, the presiding magistrate at the Court of Domestic Relations in the borough of Brooklyn. Heretofore, as you are aware, the probationer was obliged to pay only \$2 a week for the wife, if she was unable to provide for herself, and \$2 a week for each child, which in many cases was a bare pittance and simply saved the family from starvation. Already this law has been put into effect with good results.

The law reads as follows:

Section 1. From and after the passage of this act, any wife, child or children, parent, grand-parent or poor person for whom any sum of money or other valuable property or chattel is directed to be paid or applied for their respective support or maintenance by any court, judge, magistrate, police justice, justice of the peace, either of record or of an inferior court, or by any judicial officer in this state, is hereby declared to be the primary beneficiary, or beneficiaries thereof, and all laws in respect thereto shall be so construed, and said court, judge, magistrate, police justice or justice of the peace or judicial officer having jurisdiction, shall have power to determine what shall be a fair and reasonable amount for such support and maintenance to be paid by the party adjudged liable to be charged therewith commensurate with his financial ability, and according to his means.

Judge Dooley also got another bill put through, a local bill affecting New York. It reads as follows:

An Act to amend section one hundred of chapter six hundred and fifty-nine of the laws of nineteen hundred and ten, entitled "An Act in relation to the inferior courts of criminal jurisdiction in the city of New York, defining their powers and jurisdiction and providing for their officers."

§ 100. Revocation of probation. Probation may be revoked at any time within the maximum periods hereinbefore mentioned by the court of special sessions where the person was placed on probation by said court, or by any justice in children's cases, or by any magistrate in cases over which magis-

trates have jurisdiction; but so far as practicable the revocation of probation of a child shall be made by the justice who placed the child on probation, or of an adult, by the magistrate who placed such adult on probation. Upon such revocation the court, justice or magistrate may make such commitment as could have ordinarily been made if the child or adult had not been placed on probation, and to that end may pronounce any judgment or sentence, or impose any fine, or other penalty, or make any commitment which might have been imposed, or made at the time the conviction was had. Whenever probation is revoked, the court, justice or magistrate, as the case may be, may issue process for the re-arrest of the defendant, and, if arraigned, the court, as it is then constituted, or any justice or magistrate, as the case may be, may proceed to enter judgment and impose sentence as herein provided. Provided further that whenever a defendant has been convicted of having abandoned his wife or children without adequate support or leaves them in danger of becoming a burden upon the public, or who neglects to provide for them according to his means, or who threatens to run away and leave his wife and children a burden upon the public, or is convicted of being a relative of a poor person and of sufficient ability to maintain him, her or them as provided in section six hundred and eighty-three of the charter of the city of New York, on consent of the parties to said proceeding, the magistrate who sentenced the defendant, or the magistrate sitting in a magistrate's domestic relations court in which said defendant was convicted, if in the judgment of said magistrate it is to the interest of all the parties so to do, may enter an order discontinuing said proceeding and discharge said defendant from probation, imprisonment if said defendant be imprisoned, or cancel any bond or undertaking given therein.

This bill gives the magistrates the power of discontinuing such period of probation. Under this law, the magistrate is permitted to lessen the time. In other words, it permits the withdrawal of the complaint and the discharge of the person without going through the formality of the Supreme Court; but the other bill in regard to the moneys I think is more interesting than the second bill.

I have twisted the programme slightly and have replied to the second question suggested in the sub-topics, first. As to the question of how should the amount of payment required from a probationer be determined, my answer is that it should be determined according to his wage-earning capacity or income.

The first question: "To what extent is it desirable that probationers convicted of non-support be required to make payments through probation officers for the support of their families?" I think that can be answered by replying to number three "as to how, when and where should the money which a probation officer

collects from probationers be delivered to probationers' families." And this I shall answer by relating what we do in Brooklyn. The probation officer is made the agency through which the money passed. We have a system that I feel is very excellent. For the collections we keep the courtroom open one night a week, Monday night, where the probationers report and make their payments. The probation officers of that court are in attendance. Each officer gives attention to the probationers assigned to him or her; that is, receives reports, makes a record on the probation card of appearance and payments. Then the money and cards are passed over to another probation officer, whose duty is to receive all the money, and who in turn gives the probationer a receipt.

The dependent wife receives the money from the same officer, for which a receipt is received. The money is paid out either on the night in question or at the convenience of the dependent between the hours of 9 and 4 during the day. A greater part of the money, though, is distributed on the same night on which it is received, as generally the wives are very much in need of it and lose no time in making application for it. I believe that this system works well for it permits the probation officer to be constantly in touch with both husband and wife, resulting in many reconciliations.

Should the wives be required to go to the probation officers' office for the money? In most cases I think so. And the only exception might be in case of illness. I think that it is the safest system for the probation officer. I believe that one officer should have the complete handling of the money, rather than that it be distributed among a number, particularly where so large a sum is handled as passes through the Domestic Relations Court of Brooklyn. In the latter court we have five probation officers. There were nearly six hundred persons placed on probation in that court during the last nine months, and during that time about \$27,000 was collected. So you see that great care must be exercised so that no abuses shall creep in.

Under no circumstances should children be permitted to come to court to receive money. If the parent is absolutely unable to come personally, then that would be one of the cases where it would be necessary for the probation officer to deliver the money to the dependent at the home.

As to "What steps should a probation officer take if he finds that a probationer is unable to make the required payments," my answer is that you cannot get blood out of a stone. These cases, to my mind, are to be left entirely with the magistrate.

Now the receipts for the moneys received. We have a book which is gotten up by the Comptroller of New York. He feels that they must have something to do with it when there is any money handled. When the husband pays the money he receives a receipt. I have with me a book of receipts, the kind used at the court. There is a duplicate, which is retained in the book by the probation officer as a protection and also for filing in the office. There is another receipt for the wife — a receipt to court showing that the money has been received by her, and the dependent's signature is witnessed by the probation officer who also signs the blank. Of course a book record is also kept of the moneys received and paid out, and to whom.

Vice-President Wade: The first bill to which Mr. McKinny referred is general in its application and applies to the whole State. It is an advance in the domestic relations work. It gives free play to the discretion and judgment of the court in the disposition of non-support cases.

Probation Officer Masters of Rochester: When I took up the work some five years ago, in cases of non-support the average number in our penitentiary was from 25 to 32. On the first of October this year it was reduced to 7, which shows a great saving to the county both in dollars and in homes kept together.

Where the man and wife are living together, and he can be persuaded to take his money home and spend it in providing for his family, this keeps the home more united and does not tend to humiliate the man but encourages him to lead a better life. He is required to report to me weekly, and should he fail to take proper care of his family the court order is strictly enforced and he is required to pay the amount to the probation officer.

The amount to be paid by the probationer is determined by the court after investigation, and is according to the wages earned; but I have always asked the court to allow the man sufficient money to support himself, providing he cannot live at home.

For the last five years the magistrate has always asked the

man how much he earns, and he has made the amount according to his earnings.

Money paid to the probation officer is turned over to the wife, or in cases of children, to those empowered to receive it. Our custom has been for the wife to call at the office for the money, where proper records can be kept; always giving a receipt, and taking one from those receiving money. A ledger is kept in which all moneys received and paid are entered.

In our courts all cases of non-support are referred to the probation officer before any action is taken, and I can safely say that 50 per cent. are settled without having their cases aired in court and a conviction standing against them, which is a lasting disgrace to the family.

Ofttimes we find that the husband is not all to blame; the wife has neglected her home duties, and the husband has become discouraged and careless. Then it is that the probation officer gives each a little sound advice as to their duties, and the result is a better understanding between husband and wife has been effected, and the home has been made happier and better. This I consider my best work,—bringing families together and encouraging them to lead better lives.

The first year I took in about three thousand dollars, and the second year, something over five thousand dollars, but this year it will be less. All cases are now referred to me before any action is taken, and I would say about 60 per cent. of them can be settled without any conviction. I don't believe I have lost 10 per cent. of them. I think fully 60 per cent. have been settled.

Vice-President Wade: What do you mean by settled?

Probation Officer Masters: Settled, and the charge withdrawn.

Vice-President Wade: And do you arrange for a certain sum to be paid to the family?

Probation Officer Masters: Not as a rule. A man is to do what is right, and I warn him that if they come in again it will go hard with him.

Vice-President Wade: Is there any danger of the man giving less under such an arrangement, and the wife being afraid to go back into the court?

Probation Officer Masters: There might be some isolated cases, but I always tell the wife to come directly to me if there is any complaint.

Vice-President Wade: Don't you think it would be a good proposition to fix a certain sum to advise the husband to pay to the wife, and to keep in touch with the wife to see if he does it?

Probation Officer Masters: No, I don't advise any certain sum. I generally find out about what the man is earning.

Probation Officer Mallon of Brooklyn: Is this man living with his family?

Probation Officer Masters: Yes, at home together.

During last year I have only taken about 33 non-support cases in the courts; that is, cases tried in the courts. I have only taken in something like \$3,400 this year, less than last year.

We have always made it a rule to take no money without giving a receipt. We won't accept it without a receipt, and won't pay it out without a receipt. If the wife cannot come and sends her daughter, we demand a written order.

Probation Officer Morris of Oneida County: You speak about 60 per cent. settled cases. Do you put those in your probation records?

Probation Officer Masters: No, I don't put them on the official records, but I keep a private record of them.

Probation Officer Morris: In those cases which you take on probation for a year, what do you do with the case when the year is about to expire and they haven't paid all the money?

Probation Officer Masters: I generally advise the men to go on paying.

Probation Officer Morris: Do you advise the court to continue him for another year?

Probation Officer Masters: No.

Probation Officer Morris: I get most of my non-support cases for a year, and I have a very promising bunch of them now.

Vice-President Wade: Don't you find in the family troubles, the basis is largely drunkenness and such like?

Probation Officer Masters: I do; about 75 per cent.

Vice-President Wade: And you bring the wife and family together. The object is to see that the husband gives an adequate sum to his family.

Probation Officer Masters: Yes.

Vice-President Wade: Now, after you bring them together in that way and send them home, is there any further effort to see that he does properly support his family?

Probation Officer Masters: Nothing more than this: I request the wife to come personally if there is trouble.

Vice-President Wade: And you find in those cases she doesn't come back?

Probation Officer Masters: No.

Vice-President Wade: When she does come back, what do you do?

Probation Officer Masters: If I find it is a case I cannot do anything with, I ask her to get another warrant.

Vice-President Wade: Do you encourage the woman to come back, and do you encourage her to see that she is getting an adequate sum?

Probation Officer Masters: I encourage her this much. If the husband isn't doing the right thing, I want her to notify me at once.

Probation Officer Mallon: Is there a warrant gotten out in the first instance?

Probation Officer Masters: Yes. It is dispensed with in our courts. Every non-support case is referred to me. I make an investigation. When I find that the thing can be settled and both are perfectly satisfied, I inform the court that the case has been settled and withdrawn, and it is immediately marked off the books.

Vice-President Wade: The procedure is the issuance of a warrant, and afterwards the withdrawal of the warrant.

Probation Officer Masters: Yes.

Vice-President Wade: The danger of that whole procedure rests in the fact that without some definite arrangements being made for regular payments, and without visitation by the probation officer, the man may fail to provide adequate support and the woman may be discouraged or afraid to come back again. It seems to me that a man who has failed in the support of the family ought to be made to make an arrangement that he is to give an adequate sum to the family, and that it should be followed up.

Probation Officer Masters: I can tell you Mr. President that a great many have thanked me afterwards.

Vice-President Wade: I know your work is very high grade.

Chief Probation Officer McKinny of Brooklyn: In most cases in Brooklyn they issue a summons as a beginning, and for that reason we have a great many informal cases. It is only in the extreme cases that they issue warrants. In regard to the extension of the time, we have a number of probationers who have been paying money through the court for two years. After the period is up, they are permitted to pay their money to the wife.

Chief Probation Officer Shea of Syracuse: In Syracuse the aim is not to collect a great amount of money, but to keep the family relations as nearly normal as possible. In working toward that end we make about every case, for at least a week or two, pay the money through the court. In that way we get a better line on the family conditions, and are able to go into the home and meet the wife and mother and size up the offender himself. In some cases, we find we have very harmless individuals, and they need a little jacking-up. In other cases it is often the fault of the wife.

In by far the greater preponderance of cases, the man is a vicious rascal and is pretty far gone, and I believe that if his wife and little children don't appeal to the tender part of him, no sermon that I can give will do it. I believe the strong arm of justice will be the best medicine for him. I take the greatest pleasure in giving such men a little heart to heart talk every Monday night. If their better nature isn't aroused, a certain amount of fear keeps them somewhere near the status of the normal husband and parent.

Our collections average from \$300 to \$500 a month, but as I say, we prefer to keep the family together and to have the husbands pay to their wives in the way they should. In a great many of our cases they are living apart, and we allow the man a reasonable amount of money for board and room and living expenses, and the rest is given to the wife. In those cases we use every means possible to effect a reconciliation.

In regard to wives coming in and getting the money. Of course that isn't the ideal way, but it seems to be the only way. We are fortunately situated in having a private office in a good

part of the city. The banks might not like it if we were to use a checking account with them. If we deposit the money in the bank on Saturday, we would probably check it all out on Tuesday, and so they might object. That would be the ideal way, however, if it could be worked.

Once in a while a mother will send her child down, but we always discourage that. Children ought not to know that the father and mother are having trouble in court. It is bad when children read an account of the scrap of the father and mother in the paper, and the other youngsters tell them about that. It is too bad that publicity is to be given. The more that children can be kept away from such knowledge, the better.

Restitution, I think, ought to be made in proper cases, being careful, however, of extortion. We have had one or two cases where people endeavored to get extortionate amounts.

Payment of fines in instalments is a good thing. That is approved both from the standpoint of the people aggrieved and that of the probationer himself. It is a lesson he needs.

In collecting and disbursing moneys, a court attendant handles that for me. He is a very wonderful man; has had about twenty-five years' experience, and if we have any success in this non-support work he is the one who is entitled to the credit. He often gets around some stubborn woman and makes her take back her husband. He gives and takes a receipt, and I keep sort of an individual ledger. I will be very glad to receive Mr. Towne's blanks when they are ready for distribution.

Vice-President Wade: Before taking up the general discussion of this subject, will Mr. Towne explain the system which the State Commission will recommend in regard to keeping accounts.

Secretary Towne: The Probation Commission has considered the matter of a uniform system of receipts and accounting for probation officers. It is important in the first place that persons placed on probation to pay moneys should have their moneys properly delivered to their proper sources. Some of the probationers are ignorant, and they should be protected from any possible mistakes through carelessness, fraud or other possible means. The probation officers should be protected by having receipts which they can show for all moneys received. All county probation

officers are subject to inspection by the State Comptroller's office. Some of the county probation officers have already had their accounts inspected by the Comptroller. City probation officers are not obliged, as a rule, to have their accounts audited, but it is desirable that this be done.

The system we have devised provides, in the first place, that whenever a person is placed on probation to pay a fine, restitution, reparation, or family support, that he or she shall be given, at the time of being placed on probation, a sample copy of the official receipt. Receipts should not be given on different kinds of paper, but the probationer should be instructed that he is to receive a certain style of receipt whenever he makes a payment. The probation officer should be protected by having a duplicate or triplicate system whereby he can preserve a copy of each receipt given.

There should also be a ledger account for each probationer. The most convenient form seems to be the loose-leaf system with a separate page for each probationer who is ordered to make payments. We will furnish a binder like this one which I have in my hand, and the pages can easily be slipped into their proper alphabetical order. I have here the proof of the ledger page we are having printed. We will supply these pages, as well as the binders and indices, gratuitously to those probation officers who are collecting money. We will also provide transfer binders in which the accounts may be filed after they are closed.

There should also be a cashbook in which the probation officer can enter all amounts received and paid out each day. We will gladly furnish these books to any probation officers requiring them.

This will be a simple system. All probation officers will not need the books. Such bookkeeping as may be necessary will be simple.

We intend also to print receipt blanks which can be used when probationers pay their money directly to the family or other beneficiary. Sometimes a man is placed on probation to pay for property which he has stolen. He tells the probation officer that he has paid so much to the man employing him. In such a case he should show a receipt from the employer, and one that is not

forged. We will soon issue a receipt which the probationer will be expected to have signed by the beneficiary to whom he pays the money.

One of the sub-topics in the program reads, "In cases of non-support of family, how, when and where should the money which a probation officer collects from probationers be delivered to the probationers' families? Should wives be required to go to the probation officer's office for the money; should the probation officer take it to the wives; or should the probation officer send the money to the wives by check or money order?" There are some cases where it is a hardship for the wife to go to the court. She may have to go out to work; or to care for a large family and have no one with whom she can leave her children; or she may be ill; or the weather may be disagreeable. She has probably suffered a great deal already by being neglected and abused by her husband. Is it charitable to require her under these circumstances to call at the probation officer's office for the money left by her husband? For these and other reasons it seems desirable that in appropriate cases the money should be sent to the wife by check or money order, or in some other way.

Probation Officer Mallon: Will you differentiate when the husbands and wives are living apart?

Secretary Towne: If they are living together, the system followed is usually to have the money paid by the husband at the home directly to the wife. This seems the preferable way, but it cannot always be wisely followed. I have in mind one case where a man paid the money to the wife and then begged or took it away from her.

Where the wife and husband are living apart, the usual custom is to have the payment made through the probation officer. In the Erie County Court the deliveries by the probation officer to the wives are made by check. This is done also in restitution cases. There are objections to every system, but this method is business-like, and it protects the probation officer, for his check when returned, serves as his receipt for the disbursement.

The sixth question is: "What precautions should a probation officer take to insure that the payments required of an adult probationer in the form of restitution, reparation, or a fine, are earned

by the probationer, and are not paid by some other member of his family?" I have one case in mind where a man was on probation to pay \$153 in restitution. At the time of my investigation, he had made payment of two or three dollars, and the remainder had been paid by his mother. His mother had seven other children and was in meagre circumstances. I have in mind another case where a young man was to pay a fine. His mother, who was a hardworking woman and had a tubercular husband, had been paying that fine. Another case was of a young man who was ordered by the court to support his family. He wasn't living with his family and his father was making the required weekly payments. The moral benefit is destroyed unless the payments are made from the probationers' own earnings.

If it is found that a probationer required to make payments is financially unable, except with difficulty, to pay regularly or in the amounts stipulated by the court, some probation officers take it into their own hands to relieve the situation by reducing the amounts required. May I remind you that according to the letter of the law, such reductions should be determined only by the court. If the payments required are too large, the court will want to know the fact.

Just a word about restitution. Criminal or children's courts are not collection agencies. This should be borne in mind especially in cases of defrauding boarding-house keepers.

Sometimes the extortion that Mr. Shea referred to is likely to creep in unless the probation officer carefully investigates the cases. In one case a probation officer found that a man who had stolen property and who had been put on probation to pay a certain sum in restitution was being bled by the complainant. Eight dollars' worth of the stolen goods had been returned, and yet the complainant demanded that the probationer pay that \$8. This circumstance would have been obviated had the right sort of investigation been made before the probationer was ordered to pay. What is sometimes done in order to avoid such misunderstandings and possible abuses is to get the complainant and the probationer together in the court room or the probation office directly after or during the trial, and to require the complainant to file an itemized bill of the damage done, or of the property

stolen. If this bill is acknowledged by the probationer or determined by the court as fair, there is no reason for dispute later.

Vice-President Wade: I wish to emphasize the proposition that Mr. Towne has put forth that in the collection of restitution the court must not be a collection agency. The moral effect of restitution must be placed on the probationer himself, and the judge and probation officer should be exceedingly careful to follow up the case and see that the money is earned and paid by the probationer. Our criminal courts must not be made civil courts in the way of collecting money. The idea of restitution, which is more or less possible in certain quarters, is simply part of the penalty which comes with a thorough reformation, and must be met by the probationer himself, and not through any outside person as his father, mother, brothers or sisters. As Mr. Towne has said, there are many cases where poor, innocent people have been paying restitution and fines for the guilty ones, and if this occurs, a wrong is done.

Probation Officer Ward of Watertown: We had a case where a father and mother were paying a man's fine to me, and I was satisfied that he wasn't earning any money and wouldn't work, and I reported to the judge, and he sent him to jail.

Vice-President Wade: I think you did very properly.

Probation Officer Masters: I would say in non-support cases, that I find sometimes it is an utter impossibility for the man to pay the amount. I then consult with the court and he gives me permission to reduce the amount.

Vice-President Wade: There must be a good deal of margin of that kind in the disposition of these cases.

Probation Officer Wallace of Auburn: I don't think any mother ought to work over the washboard and pay the son's fine. I think he should be made to pay it.

I had a man on probation, and he drew his money on Friday, and I had him in my office Saturday night. The men bring their money there and the wives come and get it. Saturday night seems to be the time when they want to buy something. In this case I allowed the man to pay his wife. I drew a receipt each Saturday for her to take back and bring to me. His time expired and he was discharged and went away. Then she came to me and

told me that lots of times she had drawn that receipt for more than he had given her.

I think it is a good thing for the probation officer to take the money. I don't think the wives ought to come to the court-house for it. I have my office on the main street, so they come there without any trouble and it seems to me that that is the best way to have them pay the money.

Probation Officer Mallon of Brooklyn: I have been connected with the St. Vincent de Paul Society for a great many years, and of course the problem of poverty is a great one. They will say to us, "Why don't you have them arrested; how can you expect us to take the children to an institution; how can you expect working men to contribute ten cents on Sunday in the box?" and therefore I am dissatisfied with the information that has been given us here. In the first place, it has been part of the judicial procedure for years. Then again, the overseer of the poor in rural districts and the commissioner of charities in New York receive money from the defaulting husbands and pay it to the wives. No one has shown here how much was formerly paid, and how much now paid. What advantage has accrued to us from the establishment of the Domestic Relations Court; how many more cases have been handled; how much more money has been collected than before? No information has been given on the subject. I am afraid we are getting away from the spirit of probation and we are going to pile up statistics, and that is the one dread I have that our most zealous secretary of the State Probation Commission will do. It is of no consequence how much money is collected. For instance, here is this gentleman from Rochester who keeps his cases out of court altogether. I confess I cannot see what business I have where the husband and family are living together. You go in and say, "You give me \$10," and you pass it over. You are not out of the house before the husband says, "I want a dollar," and he gets it. We haven't the standing to exercise any such judicial functions as to the amount of payments. Those things are to be dealt with by the court, and any moneys which the court orders to be paid, the court's own officers in the shape of the clerk ought to receive.

This paying of fines in instalments is not new. Some thirty

years ago a man was brought in for drunkenness in Ireland and the judge said, "I will fine you a pound," and the man said, "I haven't got it," and the judge said, "You can pay it by instalments."

I am afraid of the probation officers getting mixed up with money, and, as you know, probation is as yet in its childhood. Some judges are really increasing crime by allowing persons to get off too easily. If you get one or two scandals of probation officers mixed up with money affairs, then the system gets a black eye. I think it is a mistake to make a woman probation officer the treasurer of two or three thousand dollars without any protection. I cannot understand why we go to work and duplicate a system that is already in existence. By all means have the probation officer do everything he can to make him do his duty to the family, but as far as the money is concerned, let the officers under bond do it. Therefore my idea is that the financial end of those things should be left with the department of charities and overseers of the poor.

Probation Officer Masters of Rochester: Formerly a man brought into court was required to give a bond, and the magistrate had no authority to release him unless he gave a bond. In all the cases now where they can give a bond, we demand it. I don't believe in taking any more money than we can possibly help. I thought I was doing a splendid thing, but I found a great many cases came into court for the express purpose of getting something out of the husband.

Probation Officer Fletcher of Utica: I have cases many times where the lady will come in for a warrant. Sometimes the judge might know that the fellow worked pretty steady, and he would say, "Officer, go over and investigate that." Maybe I would settle matters, and there wouldn't be a warrant issued.

Probation Officer Masters: As far as settling cases is concerned, it has gotten to be a known fact in Rochester that we have a great many cases come to the office. The wife will come in and tell of her troubles, and I write a letter to her husband asking him to come in and see me, and fully 80 per cent. of them come in. We talk the matter over and settle it before a warrant is issued.

Chief Probation Officer McKinny of Brooklyn: There is one thing Mr. Mallon said that deserves investigation, and that is the point

of making an investigation of whether more money is paid now than previously. I am going to make that investigation.

Probation Officer Fletcher of Utica: I believe there is more money paid to the wives of families through probation than under a bond. I know where women came in and went on the husband's bonds themselves.

Probation Officer Morris of Oneida County: I emphatically dissent from the proposition to take the money feature out of probation. My work is scattered over a good many square miles, and while I admit the proposition of the State Probation Commission to have a uniform set of forms for our financial records is good, yet there would be cases which I have now where it would be hard to get those duplicate receipts signed. For instance, I had an unofficial case; that is, a case where the young man wasn't arrested. He was driving a wholesaler's wagon and delivering goods and collecting money and got about \$75. The man, of course, could have had him arrested. I went to the district attorney and said, "Shall we arrest him or shall I see what I can do with him?" and he said to go ahead. I got good results. He wanted to pay \$3 a week, but I wouldn't take but \$2. I couldn't get up to his town every Saturday and get his \$2, so the financial officer of the corporation kindly consented to take out the \$2 from his pay and then sent me a check. I only speak of that to show that it would be impossible for me to get these duplicate signatures and receipts.

Something has been said about the man and wife proposition — the non-support case — where the husband lives with the wife. Invariably the non-support case is brought into the court through the complaint of the wife, and where he wants to pay her the money Saturday night, I have her sign a receipt for the money and he brings it to me the next time he sees me. Of course we cannot entirely control the amount that he should give his wife. Inasmuch as the non-supporting probationer is in court on the complaint of that wife, I usually put the matter up to the wife to say whether his conduct is satisfactory afterward. She is the judge.

Secretary Towne: Probably I didn't make myself clear about these receipts. I take it that Mr. Morris in receiving the money from the employer in the case cited would send a receipt to the probationer.

Probation Officer Morris: Yes, sir.

Secretary Towne: When you write the receipt there would be a carbon paper under your receipt and that would make a duplicate receipt; so our system would apply in such cases.

Probation Officer Morris: I opened special column cashbooks and ledgers this year.

Probation Officer Masters: I would suggest to Mr. Mallon if he is going to make an investigation of the amount of money collected, to make an investigation also as to the number in the penitentiary now and before probation.

Vice-President Wade: We instituted in Buffalo the first Domestic Relations Court that has ever been held. Before that time non-support cases were neglected. There was a system by which a warrant was issued, a bond given and an order for a man to pay \$3 a week. If he didn't pay it, the bond had to be sued, and there was so much red tape to it that the thing was neglected and there was very little collected under the old system.

It is well to have sentiment and to encourage marital harmony; but you know from experience that the man who drinks to excess, and who abuses his family, is a vicious man. I believe the chief force that is going to control him is the strong arm power, and there ought to be some way by which that man can be compelled to pay a certain portion of his income for the support of his family. I think it is the proper function of the court to go into that family and see that he does support his family. A good many of those men formerly went into the penitentiary; their families were neglected. Now upon pay-night they come to the probation officer and make their deposits. In this adjustment of the family relation, where the wife has been compelled to submerge her modesty by coming to the court for a warrant, it is the duty of the court and probation officer to see that there is an adequate support of the children as future citizens. I trust that the probation officers will not follow the sentimental idea of bringing the families together, and having some sort of promise made, but that they will follow up their cases and see that these vicious men are taught their duties to their families and the State.

Mr. Corbin of Gouverneur: I personally like the idea of payments by check.

Vice-President Wade: No probation officer ought to have the money in his possession more than twenty-four hours. I don't see why it couldn't be paid by check as well as any other way.

Mr. Corbin: The objection to paying by check is that the parties don't wish it known that they are the recipients of relief, so if it could be arranged for a probation officer to give his own personal check, I think that would pass through the grocery store.

County Judge Stephens of Monroe County: I am not connected very intimately with this work. The only relation I have to non-supporting husbands is in investigating the cases of those men committed to the penitentiary. It is made the duty of the county judge to investigate those cases, and our practice there is to have a list of persons in the penitentiary upon the charge of non-support and then the investigation is made. Mr. Masters has a personal knowledge of most of those cases; those that come through the Rochester sources particularly. Those that come from the towns he hasn't knowledge of and those are investigated. In meritorious cases the man is discharged from the penitentiary if the overseer of the poor consents to it, and if the wife is also complacent and asks for her husband's release. Of course, we find the practice is ordinarily that the wife is anxious for her husband if he has been away a month or so. In one case I have in mind the husband has been released on probation and has to report to the probation officer and provide for his family.

Probation Officer Fletcher: I would like to ask if the probation officers are under bond.

Vice-President Wade: Some of them are.

The point we have been making here, is that this money proposition is becoming so important and dangerous that it has got to be regulated in strict ways.

Probation Officer Masters: I don't pay the money out as a rule on Monday, because I don't want them to come together. I have a safe that I keep money in. If there is a surplus, I put it in the bank.

Probation Officer Mallon: Suppose this probation officer in Brooklyn acts as treasurer, and she is robbed of \$1,500 or \$2,000 — who is going to make that good?

Probation Officer Morris: Every probationer that is paying money to me has been ordered by the court to pay it to me. As

has been said, the non-support money passes right over to the beneficiary, but in the instalment fines and restitution I open ledger accounts with a credit column for payments. I keep the money in the bank, and as soon as the amount of the fine has been paid to me, I send a check to the justice, or police justice, or city judge, or whoever imposed the fine. In the case of county court restitution, the judge directed me to pay it over to the person wronged.

Secretary Towne: The law requires, that all moneys collected by probation officers shall be delivered to the beneficiaries within one month. If a fine is being paid in instalments which extend over a period of six months, the probation officer is supposed to make payments to the clerk of the court, of as much of the fine as he has collected, each month during that six months period.

REMARKS AT THE LUNCHEON.

County Judge Stephens of Monroe County: I wish to express my gratification at seeing this splendid body of probation officers.

I heard a speech the other night and one idea in it gripped me so strongly that I am going to present it to you. A railroad company found it necessary to rebuild the bridges over its lines. Ten years ago the bridges were new, but by reason of increased traffic the engines are now heavier, the trains are heavier and more frequent and the bridges, though adequate to the requirements when they were built, must be replaced in order to sustain the greater demands upon them, which they are not now able to bear.

The traffic was used to illustrate the increased stress of the present day upon character, which was represented by the bridges. The force of temptation to wrong-doing has grown in the last few years out of proportion to the strength of the structure that must support that increased strain. In much of our probation work we are tempted to lighten the burden, and in all our preventive work we are trying to minimize the agencies which tend to demoralize the young; the objectionable picture shows, suggestive theaters and places of that kind. It is a very necessary and useful effort and should be continued. But we must strengthen the bridges, for the traffic, I fear, is likely to increase rather than stay at its present proportions. The demands upon the powers of resistance

of the human character are not likely to be materially lessened. We must, therefore, build character strong enough to meet the demands, and give especial encouragement to those agencies which are striving for the up-building and buttressing of character.

Rev. Brother Barnabas, Superintendent of the Lincoln Agricultural School for Boys: I am very much in favor of the probation work with the boys. When we consider the number of boys appearing daily before the courts, it must make us ask ourselves why so many children are coming in that direction.

A great deal of the evil among the young, in the large cities especially, is due to the fact that they are physically unprepared to resist the temptations thrown in their way. They live in poor quarters, are not properly nourished, and specialists are discovering now the adenoids, eye troubles and different physical defects that weaken the youngster so he cannot resist many temptations. The day will come when it will be in our field to remove the physical defects by having them properly treated. Our institutions are doing that. The boy is sent from the children's court to the Protectory, and is there subjected to a physical examination. The adenoids are removed, and the boy that has been improperly nourished is fed well in order to build up his physique.

Many a boy is in mischief because you don't let him follow out the industrious spirit that is in him, and because you force him along different lines in school. You force that boy to be a truant, and you arrest him and brand him for life. Let's get back to the old time with less books and more mechanics, and save more of our delinquents.

Dr. Devine, Editor of the Survey: I understand through a friend that I gave some offense to people interested in probation a few weeks ago, in intimating that two different ideas prevail, one that it is a serious profession, and the other that the probation officer has somewhat of the character of an errand boy. I was assured that this was a great mistake, and that all of the people concerned with probation, judges and probation officers alike, accept now our idea that probation is a serious thing; that it is to be taken seriously; and that the errand boy relation between judge and probation officer doesn't exist any longer.

I rejoice at this. I felt a little like a Rip Van Winkle, although the period of my slumber was only four or five years. There were formerly a good many people who did have this benighted conception. I don't know what has brought about the change. It may be that the State Probation Commission has done it; it may be that the voluntary probation associations have done it; it may be that the judges have done it, or it may be that the probation officers themselves have something to do with it. I suspect that the serious quality of probation work which individuals have been doing has brought about this change. I rejoice in the progress of probation, and am willing to perform the only function that I am fitted to perform of standing up as a kind of a mile post to show how far along the movement has gotten since it happened to be necessary for me to keep in close touch with it.

I believe that probation is on the whole the best expression that we have of the new attitude which society is taking toward the criminal, an attitude which was expressed, "Judge not that ye be not judged." I think that is our spirit as represented in probation. We literally take that injunction of the Master. We take the position which the physician takes toward his patient, who is not trying to form some moral judgment as to what he has done, but who puts himself in sympathetic relation with the difficulty as it now stands and is primarily concerned with trying to get at the root of the trouble. So I think our new attitude, as a whole, toward the criminal is not one of forming moral judgments against him, but it is intelligently finding out what the trouble is and putting into operation those influences and agencies, those methods and processes, whatever they may be, that will restore him to society. We are taking the attitude not of vengeance or punishment according to some schedule, but a two-fold attitude, first of all of social defense that we may insure that the crime shall not be committed again as far as that man is concerned; and, secondly, an attitude of rescue, of reformation, of prevention, of salvation, of restoration to a recognized place in society for the individual offender. All that, it seems to me, the probation system meets more than any other change that we have made in our penal system.

THIRD SESSION.

REPORT OF PRIVATE MEETING OF PROBATION OFFICERS.

At the opening of this session, a report was made on the special meeting of probation officers held immediately preceding the opening of this session of the conference. Probation Officer Morris, elected chairman of the special meeting, presented the report; and later Miss Grasse, secretary of the meeting, filed a copy of the minutes of the meeting.

The special meeting adopted the following resolution:

"Resolved, That the State Probation Commission be requested to provide proper legal blank forms of request and consent for the transfer of probationers from one jurisdiction to another."

The special meeting also appointed a committee to present resolutions to the conference, urging that the expenses of probation officers in attending the conference be paid whenever possible out of public funds. The following resolution on this matter was reported to the conference, and carried:

Resolved, "That the Supervisors of the Counties and the Board of Estimate and Apportionment of the cities be asked to send a probation officer from the different Courts to the meeting of the probation officers both National and State, to represent the Courts of said Counties and Cities.

Resolved, "That the Supervisors of the Counties and the Boards of Estimate and Apportionment of the Cities—where such provision has not already been made—be asked to appropriate the money for the expenses of the probation officers representing their courts at these Conferences.

Resolved, "That the secretary of the meeting send a copy of this resolution to the Supervisors of such Counties and the Boards of Estimate and Apportionment of such Cities, as have not already made provision for said expense."

PROBATIONARY TREATMENT OF DRUNKARDS.

Vice-President Wade: The subject for discussion this afternoon is the probationary treatment of drunkards. Many claim that the question of the treatment of drunkards is a medical question. The methods of the past have been stupid. There are remedial propositions now presented, some of which have been put into the

form of statutes, as the inebriety law that applies to first and second-class cities, and under which drunkards are given medical care and outdoor treatment in a farm colony. People are becoming sane on these issues.

Miss Miner, Secretary of the New York Probation Association: I will confine my remarks with regard to this subject to women. The woman who goes down to drunkenness seems to go further down than men, and the way back is harder for her. Just why, it is difficult to say, but perhaps we are less willing to give her a chance.

We feel pretty certain that we cannot do much for the woman who is a confirmed drunkard. She goes to the workhouse for six months, and comes out and is recommitted almost at once. Better provision is being made so that the women will not go to the workhouse and to jails so often when we get the new State farm for women in Columbia county for the women who are habitual drunkards. We do know that there are those who can be helped; that there are the women who come in conflict with the law who are not fixed in their habit of drinking, and those can be helped by the probation methods. Women and girls come to court for the first time, and sometimes when they have been not accustomed to drinking. I remember two girls of seventeen who were arraigned in night court. They told the story of going from the factory where they worked, up the Bowery on the way to the Williamsburg Bridge, and a man invited them in to have a drink. They went in and thought it was a lark, and drank several different kinds of things. They only knew that they had lost control; came out on the street, sat down when they found it was difficult to walk, and a crowd collected and they were placed under arrest. With those girls, it was unwise to send them away and the judge gave them the opportunity of being placed on probation. Those girls came with us for the night to Waverly House, and the next morning I went to their homes in Brooklyn and found that both came from respectable families. It was the first time they were ever arrested.

We find girls going out Saturday night and becoming intoxicated when it is not a fixed habit with them. They are the women who can be helped because they have not lost the power of control.

In the questions in the program there are some means suggested, which I would like to speak of. First, there is the pledge. I think for some it is a very helpful thing. We should not take it away. I have seen it broken so many times, however, and have noted that with men and women the will power seems to have been weakened by the very fact that they had broken it, that I have never urged it upon women. If they want to take the pledge we allow them to do so, but I feel that I cannot urge it upon them.

With regard to this tapering-off process, I don't believe in it at all. If a person hasn't will power enough to give it up altogether at first, they are probably not going to give it up. The only methods that have ever been successful in cases that I have worked with have used the power of a strong appeal; something we could get hold of these people by, whether the fact that there are children in the family, or that she is an unsuitable guardian and that things are going to change and the home will be broken up. Often the women will tell you it has not been through the life of drink, but because they are disheartened and discouraged. If you can get them interested in something, and get them to have some purpose and mission there is a possibility.

I think next to the power of the strong appeal, environment is the biggest thing, and often times we must employ that with the other. A strong environment must be given to those women. We mustn't put them on the street where there is a saloon on the next corner. We send them into the country as far as we can, sometimes to a sanitarium or some institution where they haven't the same freedom, and they improve in that way.

I have in mind at this moment a woman who was on probation under me three years ago for three months. Of course she can keep from drinking for three months and finish her probationary period satisfactorily, but the real test is after a year or two years, and no woman ought to be put on probation for less than a year. It would be better if it could be for a longer time. We combined the strong environment in the case with a real appeal to her. She has a child, and we urged her to pay for the care of the child; she is ambitious for that girl; she wants to give her music lessons, and she works the harder so she can

provide the music lessons. At the same time she is working in a sanitarium where there is a strong environment, and for two years she has stood the test and not once has she fallen.

We must not in our investigation of a woman overlook what her surroundings are, what the past life has been, what influences there are which have been bringing her into this state. Was it drunkenness far back and that she was predisposed to it; that her mother and father were drunkards; is it better for her to return home; has she one child or more, and what is the best thing for her? We must know these girls and women if we are going to provide something helpful for them.

We need at least a year to tell whether our work is going to be successful, and we must have the person in a good place during that time. I don't believe so much in the reporting by these women, especially if the reports are received at night and if they are employed during the day. I think it is far better to take time to go to their homes and help them there, rather than have them come into the courts, and especially if it is a mother with children. Those are the cases which are so pathetic. We want to prevent the mother from giving up her little children. We can go there so much more easily than she can come to us, and we are not placing her in the same temptation.

I think that we should use our knowledge to prevent others from getting into this habit. It is extraordinary to learn how many of the little girls of fifteen, sixteen, seventeen and eighteen, young girls are beginning to drink, and how in the dance halls they learn to drink for the first time. In New York city, the conditions are being improved somewhat by having it made an offense to have liquor sold on the same floor with the dance hall, but it is sold in the same building. Although perhaps the same conditions do not exist where you have very short dances, at the same time there is a great deal of trouble arising from these places. Over and over again during the last year as I have talked to the girls who are going from one city to another for the purpose of prostitution, they have told me that they began in the dance halls and through drinking.

Vice-President Wade: I would like to know if the results from the moral talks with women are satisfactory without some form of medical treatment.

Miss Miner: I feel we must pay attention to the physical and medical side when there is physical trouble. We must get the help of physicians and the aid of those who are skilled. At the same time I do feel that this matter of the right environment, of placing them in the right place, and having some influence that is very tangible is the big thing. They have got to have something to work for.

Probation Officer Morris of Oneida County: I was somewhat surprised in going over my records in preparing something for this talk to find that of the 164 cases which I have had since March, 1910, 42 were for public intoxication. In further examination, at least 31 other cases who were convicted for other crimes committed them while drunk; so that 25 per cent. and 19 per cent., or 44 per cent. of my cases, are direct or indirect results of drunkenness.

What facts are important to learn in the preliminary investigations of cases of public intoxication? This investigation throws them into several classes: the young man who occasionally drinks, the young man who is pretty steadily engaged in it, the mature man who goes on an occasional spree, and then the steady soaker. I dreaded to get one of these cases, but some of those poor fellows have surprised me, and I will never refuse to take another because I don't know what can be done with them until I try.

These investigations bring us at once to the home conditions, and I wish there were no ladies here this afternoon because a surprising number of my cases have at home a termagant wife. I am up against the puzzle whether the nagging tongue at home drives the man to drink, or whether the drink drives the woman to be a scold.

The second question asks whether persons on probation for public intoxication should be allowed to decrease their drinking by a tapering-off process. The most of them do whether allowed to do it or not. B— had been in jail seventeen times, a man 45 years old, his wife he hadn't lived with for seven years. I had the usual talk with him and he made the usual promises. The very next week when I went up to Rome, he had been arrested again and was in jail. That was pretty nearly my first experience with these cases and I went to the judge and he said, "Well,

go talk to B— and tell him that maybe you can get me to let him off.” The Rome charter permits the judge at any time to annul, modify or cancel any sentence that he pronounces. The charter is unique. There isn’t another like it in the State. I made a show of quite a good deal of going back and forth between the judge and the man. The man said, “My little girl is going to make her first communion Sunday, and here I am. I would give anything if I could be out Sunday.” I got him out and got him into the country for two months, and while I am not proud of him today, he has been out now for nearly a year and hasn’t been arrested since.

I put the matter up to the person. I say to the man, “You know what this will do to you; you know this will kill you, don’t you? Do you want to die a drunkard’s death?” After a time those things seem to take hold.

The pledge. No. What is the use of giving it or of having a man out on a debauch. What is the use of forcing a pledge down his throat. I haven’t asked one of my forty-two cases to sign a pledge. One man went to his priest and took the pledge. He died later so I don’t know what the result would have been. If taken at all, take it where a man’s promise amounts to something. If you get him coming your way for three or four months, what is the use of the pledge anyway? Then again, if you have him take a pledge early and he breaks it, he says, “I can’t keep my word to the probation officer. What is the use of my trying it?”

The fourth question on reporting has been answered. I want to see them once a week anyway, oftener if possible. I like to see them unexpectedly. I had one fellow who cleaned up and shaved every time I saw him. His wife told me, “He keeps straight all day, cleans all up, so as to be in good shape to meet you.” I kept at him so that I had seven of those days in a week. He told his wife that he had rather sit down and visit with me than any other man he had ever met. He is one of my pioneer cases.

W—, high school graduate, salesman on commission making \$100 a week. He came from the city court of Rome; lives in Utica; young family; wife conducts a business establishment,

so the money question is easy at home. He thought the only thing he could do with his money was to blow it. For seven years he never went a whole week without getting drunk. He told me this at the end of three months on probation. He said, "In the presence of my Maker, I declare and swear that I haven't touched a drop in these three months." It went along to six months and he told me, if ever I get over the line again, I am going straight to Judge Davis and have him send me back to you. That is the best case I ever had.

Seventh question. I had a case last month, a man stopped reporting and his wife informed me where he worked in a big factory in one of our suburbs. He told her the other men were bringing in bottles. He went home drunk after having been straight for two months. I had had previous dealings with the managers of that concern, and I wrote them. That superintendent called the whole room of men and went at them one by one to know who was bringing whiskey in that factory, and they had a searching investigation right there. That sort of thing helps me in my work, and there has been no complaint about him since.

The eighth question is an important one. Well six months is a fair period. I get most of them for six months. If you can do anything with them, you can see how it is going after six months, but I don't like to forget them in six months. I try to keep watch of them. I cannot lose my interest in them.

The last question, with what sorts least successful. Of course with the older confirmed habitual drunkard, who, as I said before, does not improve, because he is old and confirmed and bad, but don't for pity's sake turn him down. He might be a banner case.

Chief Probation Officer Fletcher of Utica: Facts to be learned: The birth and antecedents, if possible; the home surroundings of the delinquent; the conditions affecting his every-day life; the number of those, if any, dependent upon him; what temptations he is subject to, and the most tactful way to handle him.

Tapering off: This depends entirely upon the age of the delinquent and the amount of intoxicants he has been absorbing. It is rather a subject for medical than reformatory discussion. Where men are young and still strong and they have not become

totally saturated with liquor, it is best to stop them at once, but in the cases of older persons and especially whiskey drinkers of a pronounced type, such sudden stoppage might produce serious physical results.

Pledges: Where intoxicated persons have done some great wrong to themselves or to their friends or families or brought open disgrace through drink, the resulting mortification produces a good time in which to administer a pledge of abstinence. To those to whom a pledge stands as a thing of sacred honor and who have self-respect enough to refrain during the time for which it was taken, it is also a good thing. But to attempt to pledge every ordinary drunkard to refrain surely cheapens the idea and leads others similarly situated, by reason of the many breaches, to believe that a pledge has little moral force or binding effect.

First offenders: (a) Men; encouragement, watchfulness, warnings to beware of temptation and to shun former companions. (b) Women; appeals to pride of sex; words of good cheer, appearances of friendship and tender devotion, endeavors to belittle offense and create forgetfulness.

Reporting: I believe this to be largely a matter of personal judgment upon the part of the probation officer. But in no case should it be less than once a week, increasing it to two or three times until the danger from association and temptation is passed.

Probationer's health: This is an important matter and should be looked after to the fullest extent. Too often sickness or lack of proper care and nourishment produces the appetite or craving for stimulants. "A sound mind in a sound body," is really the best foundation for moral as well as physical health.

Temptation: In the case of too close a residence to the saloons or danger through companionship, "eternal vigilance" is the best watchword for the probation officer. Constant warnings and impressions forced upon the delinquent in a kindly way, with a clear and positive statement that failure through such means would result in a return to court for sentence, might probably prove of as great value as any other means that might be employed.

Length of probationary period: Here again it becomes largely a question of the individual, his habits, antecedents, conditions

and surroundings. The shortest term of probation should be at least two months, and more generally three or four. To those who have been continuous transgressors and of whom little can be expected, the period should be lengthened to one year or even a greater stretch of time.

Successfulness of probation: Probation is usually most successful with those who through a first arrest, because of some keen disgrace felt, resolve to avoid the former pitfalls. It is likewise very often successful with those who have not as yet become confirmed drunkards, and to whom a realizing sense of the danger of following in that path can be brought home. It is least successful with those who have become "soaks;" with those who have lost hope and ambition; with those whose home surroundings are unhappy and who are never permitted to forget their former transgressions by those who should aid rather than hinder them in the work of reformation.

Mrs. Fitzgerald, Probation Officer in the Albany Police Court: First, the home is investigated, and its surroundings; the question of how much money is brought into the home, the number of wage earners and how the money is spent. In most cases, it needs but a glance to know the conditions. The homes invariably are in the poorest quarters of the city, in close proximity to a miserably poor saloon, and so destitute of comfort and cleanliness, and the victim so degraded in appearance, that I often wonder how and why anyone could deal out drink to them or profit by the paltry nickel or dime that comes through such a business.

I try in every case to find out the causes, and they are many. Some give worry over sickness, death and other losses, others blame it on companionship, and many on anger over fault-finding. This lasts seems to be a great cause. A man working hard claims he needs a stimulant. A little more housekeeping and good cooking, would, I think, often remove the need. It is surprising in many cases to see the lack of knowledge of how to prepare a meal, and of the disposition to do so.

Charles Lamb's "Confessions of a Drunkard" speaks of the sober declaimers of ages, and says that their sound has seldom prevailed. The evil is acknowledged — the remedy simple — abstain.

The comparison between this vice and others is made, but with other vices there is not a constitutional tendency. He asks also that we stop and consider how much of compassion and how much of human allowance must mingle with our disapproval. He speaks of the weak and nervous who feel the need of artificial aid to raise their spirits and gives this as the secret of their drinking. Still further he declares that there is no recovering, but that out of the black depths, could he be heard, he would cry out to all before setting a foot in such perilous flood. Still further he says that there is no middle way between total abstinence and the excess that kills.

I have, however, at times seen nothing else to do but to allow the "tapering off." My method may not be approved of, but I have taken it upon myself to allow a little drink in the home at meal time or at night. It would be taken anyway, though not allowed. This has worked well in a case occasionally, but I must acknowledge that most of my patients fell by the wayside after a while, but others have been benefited by the restraint placed upon them to such an extent as to keep off the streets and away from the courts. The best way, where possible, is to positively not allow any drink.

I never ask anyone to take a pledge. Some have asked for the privilege which was granted. A few of these have shown there is good in them, and others, it seems, only did it for the effect it would have on the sentence. Needless to say, these did not keep it. If taking it at all is a help, I think for a short time with a friendly visit before the expiration of that time, with advice to try it as much longer, would be the best way of having it kept. I think not to administer the pledge, but to put them on their honor, is about as good a way as any. I have in mind one case, that of a woman who gave her word to keep from drink. Everyone said that she could not keep sober and out of court for two weeks at a time. She however promised and kept sober, working steadily all the time, about four months to a day. Then she wandered back to old associations and became intoxicated and repeatedly, so there was nothing left to do but to commit her to an institution where she is deprived of all intoxicants.

In cases of women convicted of public intoxication for the first

time, sentence is generally suspended. They seem to feel their position and are anxious that no publicity be given. This shows that there is some pride left, and something to appeal to. Most of my cases have been among women of middle age, mothers of families. I encourage the other members of the family in helping the mother with her work, and making her duties lighter if possible, also to go out with her, and evidence in this way their appreciation.

Instead of reporting to me, I call on them at their homes when I am least expected. This means early and late. I resort sometimes to praise, comment on the great improvement in their appearance and in their homes, and this seems to work well. They are proud of being found in good condition, and these visits prove pleasant alike to visitor and visited. I always find the people thankful for the attention shown, but ashamed of the cause of your visit.

Whenever the person has been given to excessive drinking medical advice is necessary, and also quiet restraint. This is not always easily done at home, and often a commitment is made to an institution that receives alcoholic patients. Sometimes a gentle treatment of bromide is sufficient, but often more extensive care is needed.

Where a person is led to drink by reason of living or working near places where drink is sold, the main thing to do would be to remove them from the surroundings. This is easier said than done.

County Probation Officer Dempsey of Oswego County: My ideas upon the question of the probationary treatment of drunkards have been gained from a close observation and practical experience in the working of the general probation principle, rather than in a special study of the subject of probation of drunkards. I have, however, noted a distinct line of separation between the probation of the usual type of criminal and that of the drunkard. The drunkard is a separate type which must be treated upon entirely different lines than the ordinary probationer. It is beyond question that drunkenness breeds crime, but it is also a matter of no doubt that crime does not naturally breed drunkenness. The conclusion is unavoidable that all drunkards are not criminals

and that the modern idea that drunkenness is really more of a disease than a crime is proven by the daily experience of the probation officer.

No person ought to be put on probation immediately upon his first arrest for drunkenness. Neither should a pledge of total abstinence be exacted when the man charged with drunkenness appears for the first time in court. It is very rare, indeed, that the offender arrested for the first time for public intoxication has then for the first time been publicly intoxicated. The average experience has been that several times before arrest, in small cities at least, the offender has been warned by the policeman, has been sent home by the officer with his friends, or after several appearances in a drunken condition upon the streets has been threatened by the police officer with arrest. These warnings have had a mild or no effect until the patience of the policeman is exhausted and the offender is finally haled into court. The first real shock comes when after spending the night in a station house cell and having slept off the immediate effects of his dissipation, he faces the judge in the morning as one of a number of delinquents and offenders. Then comes to him for the first time the thought that he is looked upon by society as a criminal, although, perhaps, he has transgressed no law other than the one which says he shall not appear upon the public streets in a state of intoxication. The simple fact that so long as he remains within the privacy of his home or any other non-public place, it is no crime to be intoxicated, has lulled him into a sense that after all public intoxication is not a serious offense, but merely an error in the selection of the place where he may enjoy his indulgence in drink.

My theory is that in cases of this kind a trial or hearing should be adjourned for ten or fifteen days with perhaps a kindly warning from the court and advice as to the waywardness of the defendant. The time elapsing before the adjourned date gives the defendant time not only to quiet his nervous system and rid himself of the effects of his debauch, but to think over seriously the fact that he is in the hands of the law, to deliberate upon the possible consequences of a continuance of his delinquency, and to arouse himself to resolutions for improvement. During this period of adjournment, the probation officer may make his pres-

ence and office felt with the defendant in an unobtrusive and quiet way, not, however, impressing upon the defendant that he is a ward of the probation system, but only that he is in a condition where some friendly advice is necessary. Science teaches that at least the period of ten or fifteen days is absolutely necessary for one to so brace up his nervous system as to resist the craving for liquor, and my experience as a probation officer confirms fully this teaching.

Just as I am opposed to placing the first offender for drunkenness upon probation, so I am opposed and for the same reason to requiring of him at that time a pledge of total abstinence from liquor. Of course, any required or compelled pledge is subject to the objection that unless the person taking the pledge is in a proper state of mind, the pledge, itself, is but an empty form and apt to work very little good. Pledges required under such circumstances are very seldom kept. My experience in dealing with probationers whether they are held for drunkenness or for some other crime is that if addicted to the liquor habit, the process of tapering off, so-called, is most useful with many. If the defendant has carried his dissipation to such an extent as to be in a depressed condition of mind and broken physically, I would give to him during the period of ten or fifteen days the assistance and advice of a skillful physician who should administer such remedies as his skill suggests. Particularly is this desirable if the defendant is laboring under the popular delusion that because of some illness or fear of illness, he finds it necessary to indulge in occasional drinks for its medicinal effect. The advice of the physician in these cases, his warning the defendant that he is in error as to the benefits derived to his health, are more useful than any sermon or judge's advice or probation officer's encouragement that could be given to him.

After the adjournment and when the offender comes the second time before the court, I would still refrain from putting him on probation if he appears to have profited by his experience and to be resolved not to err again. This, of course, is dependent upon the question of whether or not the defendant has sufficient moral strength to carry out his resolve. If he appears to be weak and apt to fall again, I would have him placed upon probation, not

for a long term, but for, say, sixty days. A report once a week for thirty days and then less frequently as his progress warrants seems to be the more profitable scheme. At this time, if his inclination was proper and he was absolutely willing of his own accord I would have a pledge of total abstinence for six months administered. In this as in all phases of the probationary treatment of drunkards, the common sense, knowledge of human nature, and good judgment of the probation officer, are really the only guide by which the proper course can be selected.

Pledges with some simply teach them how easy it is to get out of the toils of the law by making a promise which from the weakness of their nature all ought to realize could never be kept. With others a pledge is an appeal to honor which is the greatest stimulus to reform. Many old offenders have taken so many pledges and broken so many that they look upon the procedure merely as a formality to be observed every time they are arrested, just like the formality of pleading guilty or not guilty. I recall an old offender, not criminal in the least degree, but who had many, many times been placed under arrest for public drunkenness. The usual resort of the judge was to require a pledge, and the usual resort of the defendant was to enter gladly into this suggestion, promising with enthusiasm that never again would the judge have cause to require a pledge of him. Finally he had taken and broken so many pledges that when the court once more insisted that he should take another, he frankly and candidly said, "Now, Judge, never mind a new pledge. I have got a whole bureau drawer full of those pledges down home and I will just go down and take one of the old ones and save the priest the trouble of making out another." This was simply a case where the pledge by its frequency of making and breaking had become a useless and unmeaning formality.

Much could be accomplished with the probation treatment of drunkenness if we were able to change the surroundings of every probationer turned over to our care. The surroundings of the probationer, particularly in cases of drunkenness, are the greatest obstacle that we meet. Unfortunately, he is generally in such circumstances financially that both for himself and those dependent upon him, he must work. We cannot move the saloon nor

can we ordinarily move the place of his employment, nor change those who work with him. Whenever it is possible, however, to obtain other employment for the probationers, where conditions will be less liable to lead them into their old habits, it is, of course, desirable that such should be done. However, it is not easy and I doubt if as a practical proposition it has been used often enough to accomplish very much good.

All my ideas upon this subject, as I have expressed them, deal with the person who has not through years of dissipation become almost mentally defective from over-indulgence in liquor. For the old offender, who each year is many times arrested for public intoxication, I have little hope. Of course, it would be cowardly for this association to say that it will not or cannot do anything to assist the old offender. The methods and means, however, must be devised by those who have given more study or had more experience than I. My experience has taught me that probation in all sorts of petty crimes is a healthy and efficient remedy. Particularly is it efficient and practicable in cases of drunkenness which have not extended over long periods. The need is to impress upon our judges and upon others whose duty requires them to enforce the law, that the object of all criminal law is the protection of society and the reform of the criminal, and that society can best be protected by reclaiming the drunkard and that the drunkard can best be reformed by kindness and assistance rather than by imprisonment.

Vice-President Wade: I would like to ask Mr. Fletcher if for the men of drinking habits you would advise a two months' probationary period?

Probation Officer Fletcher: Oh, no. At least six months or a year.

I had one man on probation who had a wife and one child. He was arrested for public intoxication. It was his first offense. He was so bad that I saw the charity clerk and had them take the man to the hospital for about a week to get him doctored up a little and then let him go. He promised to take the pledge the next night. He didn't come near and I went to look for him. He was out drunk. I got him two or three days afterwards and brought him into the court, and asked the judge if he would

adjourn the case for one week or ten days and confine him in the county jail. He was put there, and from that day he hasn't touched a drop.

Vice-President Wade: Was he continued on probation after he left the jail?

Probation Officer Fletcher: Yes, sir, for six months. He is now on probation.

Vice-President Wade: The jail was to sober him up?

Probation Officer Fletcher: Yes.

Probation Officer Morris: Let me tell you about C—. I got him about three months ago. He stole a horse, but the district attorney allowed him to plead to petty larceny. C— took it very seriously. He pays his mother \$4 a week for board. He is about 22 years old; not habitual, only a spreeing boy. He says, "I noticed when I was going down, one after another of my acquaintances stopped speaking to me until it got so the very scum of the town were the only ones who would speak to me. Now as I am getting better, one by one my former friends are speaking to me." A big man of the town called him in to see some new shrubs, and it did him lots of good. It makes a lot of difference what other people say to the probationer.

Chief Probation Officer Shea of Syracuse: About a man taking a pledge. It is well enough perhaps to ask a man holding a fiduciary position, or one of confidence and a certain amount of responsibility concerning the affairs and business of others, to sign a pledge; because it is a fair presumption that he has got will power enough to keep it. But most of the people that we get on probation charged with drunkenness are not that type. They are mostly the type of the fellow that was called G—, who came in, smoke-begrimed. He was a fireman and a pretty hard drinker, so I decided I would ask him to sign a pledge. He asked why he wasn't entitled to a pint of beer. I came to the conclusion that in most of those cases I would ask the man to get away from whiskey. I really think if we get them to taper off on beer, that it does good, because we keep them reasonably sober and the wives and families get the benefit of the major part of their earnings. I don't believe in the pledge much.

Another theory that I believe in is that when we get a man of

pretty fair ability, perhaps a tradesman, perhaps a dipsomaniac who comes every three months and cannot really help himself, we should try to get him into a sanitarium. I never found one yet whose people wouldn't help him. In the sanitarium a physician gets the stomach right first, and gets them curried up. I go up and have a talk with them, and when they leave the sanitarium they are in good physical condition, and that is the big thing.

I think there has got to be a rule of reason in the probationary treatment of drunkards. There has got to be a middle course.

Probation Officer Trieper of Brooklyn: I have been connected with the medical profession as a nurse for many years, and incidentally had the care of drunkards.

I would agree with Mrs. Fitzgerald regarding the investigating of home conditions; his physical condition; whether he can work; whether shiftless or lazy; whether he and the family are provident; regarding his friends and the neighborhood; regarding the wife being a nagger. I don't blame some wives for being naggers.

Regarding question two, should they taper-off? I say no, absolutely no. Tapering-off is simply continuing the irritation to the nervous system. We cannot go and take something away without leaving something in the place. The physician can do that. With my probationers I say, "Should you find that you cannot do without the drink, I will take you to a physician and we will see that you are fixed up." I don't believe that a person ought to be allowed to suffer.

Vice-President Wade: What does the physician give them?

Probation Officer Trieper: Strychnine. I tell them to take Moxie. It contains a bitter root. It quenches the thirst, and, of course, if you put a little ginger in the Moxie it will give them a warm feeling.

I don't believe a person ought to be asked to take a pledge who has been drinking for sometime, because of the nerves. But I do believe in asking a young fellow who has taken a drink at a party, and got drunk and into trouble. I believe in talking the matter over with that particular one, and asking him if he would like to take a pledge, and if so, what the breaking of that pledge would mean to him. If that particular fellow has the desire to avoid the temptation, the pledge is a great thing from a moral standpoint.

The line of treatment that I use is first, I give them a physiological talk on the action of alcohol on the system. I also talk with them about their religion, and the effect that their actions have on their home and associates. If necessary, I get them a situation where they are not exposed to such temptation as was the case in the position which they held.

I think they ought to report once a week. A statement was made that they should not be allowed to pass by saloons on the evenings of the reporting. They will pass by saloons anyway, and I feel it will give them the courage if they know they have the will power to go by.

Attention to the probationer's health is very necessary.

Have the probationer move away if possible. If they pay \$8 or \$10 rent, you can sometimes get them better quarters for the same price in a locality that is just a little better, and where the man will make new acquaintances. He will be ten, fifteen or thirty blocks away from John Jones who lives on the same floor with him, and who has gotten him to go to the saloon.

The length of time depends on the case, but I believe no probationer ought to be on probation for less than six months. For two or three months have a weekly call by the probationer.

The least successful cases we have are the hospital cases that have been drinking for a good many years, and have inherited the tendency to alcohol and a weakened will power.

As a nurse I have had what we call rich drunks. I go with such a man into the saloon, and see that he has just one drink, providing the doctor on that particular case told me that he wouldn't want the man to stop altogether. Some cases I have had I wouldn't let them drink. I would take the drink away, and consequently he would threaten me with discharge and I would say, "I am not going to be discharged." After a two or three days' fight with this man, he would then be glad of it.

Vice-President Wade: What would you advise a probation officer to do with a case where a man has been on a spree; out of work for a week, is all unnerved, and is brought before the judge a wreck?

Probation Officer Trieper: I would advise the probation officer to positively give that man medical treatment through a physician.

We have no right, myself included as nurse, to prescribe ourselves. I have friends who are physicians who have told me whenever I find a fellow like that they would gladly prescribe for him. We can now give dipsomania tablets, and they contain the chloral of the gold treatment and are excellent; but they have to be given with great care, because when a man stops drinking, the atropine acts somehow on the eyes and they get a haziness, sort of partial blindness for a time, but that passes away.

Vice-President Wade: Is there any kind of hospital or place of detention where they can be taken to in Brooklyn?

Probation Officer Trieper: The only place is through a physician's certificate to the Kings County Hospital. About twelve years ago, they had a place in Flatbush too. I have been anxiously awaiting the inebriate home colony. This home and farm colony is more necessary than the vagrant colony, because I believe the underlying cause of vagrancy is drink.

Probation Officer Donnelly of Lewis County: The matter is brought up here about sending a man to jail. The first year I was a sheriff, a fellow came in the office and said, "I want to be locked up. I have been drinking for a week or ten days, so I want you to lock me up and Monday you can notify my brother." We have a jail physician and I had him go down. I talked with the brothers, and I have never seen him take a drink since.

I have had one man who went to the judge himself. He had been out and said, "I want to be sent down to the jail for ten days, and when they go there and we cannot help them, we always call a physician. It is a very nice thing if the right kind of a man is in the jail, and has a heart and sympathy for them.

Vice-President Wade: If the jails have separate rooms, it might be a good place to put them, but if they have got to be mixed up with the other prisoners, I feel it is bad treatment.

Probation Officer Donnelley: You cannot always keep them separated.

Vice-President Wade: The detention proposition is a good one if you have the right place to take them to; but don't take a man who has committed no offense except getting drunk and put him in with the prisoners who are criminal. That will probably have a worse effect on him than if he wasn't put in there at all.

Mrs. Fitzgerald: If a person is to be sent to a hospital, we get an order from the poor commissioner, and then the person is confined to the bed for a few days. Bromide is the easier treatment, although they give chloral, and, as a rule, calomel and a good purgative afterwards, and try to have them eat as much as possible. Then, in Albany there are conditional commitments of women to the House of Good Shepherd where they are confined away from anyone else. That is only a commitment just for a time to recover, and after that, the person is placed on probation.

Vice-President Wade: That is good treatment.

Probation Officer Mallon: I have always thought this would be a more charitable thing than to suspend sentence. I think the saddest thing is for a man to come up drunk, and have sentence suspended. It is a very false sentimentality to turn that man or woman out. A very much kinder thing is to have that man remanded for four or five days, and give him a chance to sober off. When the man is sober and rational, you can talk with him better. It gives the probation officer a chance to ascertain something about his family.

Probation Officer Fletcher: If a man comes into the City Court in Utica in a bad condition, the judge doesn't try him right off, but adjourns the case and sends him down to jail. They have places set apart for such fellows.

Vice-President Wade: If you give them a special room, I suppose you can treat them, but ordinarily a jail is a bad place. There ought to be some place where the man can be detained more or less by himself.

Miss Miner of New York: The question has been raised about holding over for a certain length of time. Is that legal without an arraignment every forty-eight hours?

Vice-President Wade: It is a matter of consent to adjournment.

It seems wiser to have the right sort of place where these men can be sent temporarily and treated medically.

Secretary Towne: I think attention should be called to the law passed by the Legislature of 1911 empowering any city of 50,000 population or more to establish a board of inebriety. A year ago a law was passed authorizing New York city to have such a

board. The board has been appointed by Mayor Gaynor and appropriations are going to be asked for soon.

The law applying to these cities outside of New York city is not mandatory, but simply permissive. It provides that the mayor may appoint a non-partisan board of managers, some of whom shall be physicians. The board, as soon as it can secure from the city the necessary appropriations, shall establish a hospital and farm colony. As soon as the board and the institutions are ready for active work, all persons arrested for public intoxication are to be at once reported to the board for investigation by its field officers. Defendants who are found not to have been arrested before on this charge within the past twelve months, may be released without arraignment in court. Others may be placed on probation by the court or ordered to pay instalment fines. Those needing medical treatment will be sent to the hospital, and those requiring extended custodial care will be committed to the farm colony.

Probation officers who come from cities of 50,000 population or more outside of New York city, should do all they can in their respective communities to urge the city authorities to hasten the establishment of such boards of inebriety.

For smaller cities what is needed is more bed capacity and better facilities for the treatment of drunkards in hospitals. It seems important also that the probation officers try to get physicians more interested in this subject.

ADOPTION OF RESOLUTIONS.

(After a discussion participated in by a number of probation officers and others, the following resolutions were adopted.)

Probation Officer Trieper: I move the following resolution:

Resolved, That the Fourth State Conference of Probation Officers advises, first, that probation officers in cities of the first and second-class, outside of New York city, urge the citizens and officials of their respective cities to establish a board of inebriety as authorized by the Legislature of 1911; and, second, that probation officers from third-class cities take necessary steps to secure more adequate accommodations for the temporary treatment of men and women arrested for drunkenness, in local hospitals.

Probation Officer Morris: I second that motion.

Vice-President Wade: All those in favor signify by saying, aye.
Carried.

Miss Miner: I move the following resolution:

Resolved, That the State Conference of Probation Officers recommends that in all cities, and so far as practicable in villages, where there are no special detention quarters for children under sixteen years of age, the local authorities be urged to establish proper detention quarters for children.

Probation Officer Morris: I second that motion.

Vice-President Wade: All in favor of this resolution signify by saying aye. Carried.

Probation Officer Salisbury: I move it is the sense of this meeting that children be tried in a court room separate and apart from the room where adults are tried.

Probation Officer Fletcher: I second the motion.

Vice-President Wade: Those in favor please so manifest. The motion is carried.

Vice-President Wade. The time has now come for the adjournment of this conference. On behalf of the State Probation Commission, I wish to thank the officers for their attendance and interest in these sessions, and I trust that we will all meet together next year at the same place where the State Conference of Charities and Corrections will be held.

APPENDIX J.

PROCEEDINGS OF THE FIRST NEW YORK CITY CONFER- ENCES OF PROBATION OFFICERS,*

HELD IN BROOKLYN ON THURSDAYS, AND MANHATTAN ON
FRIDAYS, FROM APRIL 6 TO MAY 12, 1911.

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INTRODUCTION.

Acting in co-operation with the justices and magistrates in New York city, the Commission conducted twelve conferences for the probation officers in that city during April and May, 1911. Six of the meetings were held in Manhattan, and six in Brooklyn. The experiment proved so successful in point of attendance, interest and helpfulness, that another series of conference will be held during the spring of 1912.

The subjects discussed at both the Manhattan and the Brooklyn meetings were similar, and in some instances the same speakers spoke in both places. Each meeting was opened with an address, followed usually by a second speaker, and then by general discussion.

It has been necessary in publishing the proceedings to omit the informal discussion.

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PROGRAM.

BROOKLYN, THURSDAY, APRIL 6.

The Attitude of Probation Officers Toward Their Work, by Homer Folks, President of the State Probation Commission.

Suggested Sub-topics:

1. What is the essence of probation?
2. By what standards may a probation officer measure the success of his work?
3. Some things to be avoided — undue sentimentalism; superficial judgments; mechanical routine.
4. Some things to be sought after — careful diagnosis; individual treatment; improved environment; "after-care."
5. Probation work — a pastime; an occupation; a vocation; or a profession?

Discussion opened by Chief Justice Isaac F. Russell of the Court of Special Sessions.

MANHATTAN, FRIDAY, APRIL 7.

(Same Subject).

Speaker: Mr. Folks.

Discussion opened by Supreme Court Justice Alfred R. Page, Chairman of the Page Commission on Inferior Courts.

MANHATTAN, TUESDAY, APRIL 11.

The Legal Aspects of Probation, by Magistrate Henry W. Herbert of the Board of Magistrates of the First Division.

Suggested Sub-topics:

1. What should be the relation of the probation officer to the court, probationers, police authorities?
2. What are the duties of probation officers?
3. What conditions may probationers be required to observe?
4. For what periods may persons be placed on probation?

5. What are the provisions of law concerning probationers who abscond?

6. How may probationers be transferred to the supervision of a probation officer in another jurisdiction?

Discussion opened by Magistrate Charles W. Appleton of the Board of Magistrates of the First Division.

BROOKLYN, THURSDAY, APRIL 13.

(Same Subject).

Speaker: Justice Robert J. Wilkin of the Court of Special Sessions.

Discussion opened by Magistrate Alexander H. Geismar of the Board of Magistrates of the Second Division.

BROOKLYN, THURSDAY, APRIL 20.

Preliminary Investigations, by Dr. Orlando F. Lewis, Secretary of the Prison Association of New York.

Suggested Sub-topics:

1. What are the purposes of preliminary investigations?

2. From whom should information be sought concerning a defendant's character, circumstances and previous history?

3. Is it desirable that a probation officer ever interview an adult defendant before he is convicted?

4. How can a probation officer secure information from a defendant's past or present employers without unduly jeopardizing the defendant's welfare?

5. How can a probation officer best secure information about a defendant who lives in another city?

6. When and how should a probation officer report to the court or magistrate concerning the results of a preliminary investigation?

Discussion opened by Chief Probation Officer Archibald J. McKinny of the Board of Magistrates of the Second Division.

MANHATTAN, FRIDAY, APRIL 21.

(Same Subject.)

Speaker: Dr. Lewis.

BROOKLYN, THURSDAY, APRIL 27.

How to Look After and Aid Probationers, by Edwin Mulready, Deputy Commissioner of the Massachusetts Commission on Probation.

Suggested Sub-topics:

1. How often should a probation officer interview those on probation?
2. For how long should persons usually be kept on probation?
3. Is it desirable to have probationers report at a stated time and place in groups?
4. What factors are usually most effective in winning the confidence and friendship of probationers?
5. Should a probation officer visit probationers at their place of employment?
6. How can a probation officer improve the home conditions of children on probation?

Discussion opened by the Rt. Rev. Dr. William J. White, Supervisor of Catholic Charities of Brooklyn, and Vice-President of the Brooklyn Juvenile Probation Association.

MANHATTAN, FRIDAY, APRIL 28.

(Same Subject.)

Speaker: Mr. Mulready.

Discussion opened by Bailey B. Burritt, Executive Secretary of the Criminal Courts Committee of the Charity Organization Society.

BROOKLYN, THURSDAY, MAY 4.

Aids to Efficiency, by Arthur W. Towne, Secretary of the State Probation Commission.

Suggested Sub-topics:

1. Relation of probation officers to their chief probation officer and to probation officers in other boroughs and other courts.
2. The Brandeis idea of "scientific management."
3. Importance of avoiding unnecessary clerical work and duplication of records.
4. What memoranda and records should a probation officer keep?
5. What written reports are probation officers expected to make to the court or magistrate?
6. Reports by probation officers to the State Probation Commission.

MANHATTAN, FRIDAY, MAY 5.

(Same Subject.)

Speaker: Mr. Towne.

Discussion opened by Miss M. Z. Doty, Secretary of the Children's Court Committee of the Child's Welfare Committee.

BROOKLYN, THURSDAY, MAY 11.

How to Discover and Deal With Violations of Probationary Conditions, by *Frank E. Wade, Vice-President of the State Probation Commission.*

Suggested Sub-topics:

1. What steps are necessary in order that a probation officer may feel reasonably assured that the reports made by probationers concerning their conduct are correct?
2. What are the effects of ignoring bad conduct on the part of probationers?
3. When a probationer fails to report to the probation officer as required, what steps should the probation officer take?
4. How often and how promptly should a probation officer report violations of the probationary conditions to the court or magistrate, and how should such reports be made?
5. If a probationer absconds, how long should a probation officer seek to locate his whereabouts and to secure his arrest?

Discussion opened by Chief Magistrate Otto Kempner of the Board of Magistrates of the Second Division.

MANHATTAN, FRIDAY, MAY 12.

(Same Subject.)

Speaker: Mr. Wade.

THE ATTITUDE OF PROBATION OFFICERS TOWARD THEIR WORK.

Brooklyn, April 6.

Homer Folks, President of the State Probation Commission:

In thinking over what I might say on the attitude of probation officers toward their work, I had it in mind that I should be speaking to a number who have recently been appointed probation officers; to some who have served for a considerable length of time; and to some who have not been appointed at all. It will be easier for me if I may speak as though all of you were starting out in your work, ignoring the fact that some of you are already at work and others may never be appointed.

A man's usefulness and effectiveness are determined quite as much by his attitude toward his work, as by his ability. If you undertake to lift on a lifting machine, the amount you can lift will depend quite as much on how you take hold as on how strong you are. There is a great deal in the knack of it. The weight one can carry depends on his position, his attitude, quite as much as on his strength.

How much a man counts for, depends on two things. In a good sense of the word, every man who has a regular work leads a double life. Every man is what he is in his home life and in the interests and engagements that grow out of that; and he is what he is in his daily occupation and in the things growing out of that. When you have summed up those two things, you have taken into account about all there is of any one of us. I haven't anything to say about a man's home life and private affairs, except that a good, well-balanced, well-poised, simple, sweet, clean, home and private life is the best sort of foundation on which to rest a successful occupation; particularly so in probation or in other social or charitable service.

By a man's attitude toward probation work, I mean what his ultimate purpose or goal is. What is he in it for? There are four objects that a man or a woman might conceivably have in mind in being a probation officer.

First, he might think of it primarily as a means of gaining a livelihood; second, as a means of gaining improper influence, power, and income; third, as a means of doing good in the world; or, fourth, as an opportunity to make good; to succeed; to accomplish a difficult piece of work successfully. I will speak briefly on each of these four possible attitudes towards probation as a regular employment.

First, as to the earning of a livelihood. Nothing could be further from my point of view and from my conviction than to hold up that as an unworthy or improper motive. To earn a salary for doing good work is a perfectly legitimate ambition. Until the time comes when teachers are discounted in their teaching because they receive a salary for it, and ministers in their preaching, and judges in their decisions, because they receive salaries: until that time, let no one question the motive, the usefulness or the standing of a probation officer because he receives a salary for his work. Having said that, I should wish to add that it is also true that in the work of any one of us, if we think too much about the salary and have our eyes fixed too steadily on pay-day, we soon cease to be sure of commanding a good salary. The only way that we can be sure to continue to earn a livelihood in such work, is to deserve it, and to make ourselves indispensable by reason of our efficiency and our value to the community.

As to the second point, it is hardly conceivable that anyone would enter upon the position of probation officer having deliberately in mind an improper purpose. Nevertheless, it is no harm to recognize at the outset that the position of probation officer offers big temptations. It is on the firing line of morals and of ethics. It takes a strong man and a strong woman to exercise the degree of authority which indirectly a probation officer has, and to do it always only for the good of the person who should be aided. Power, influence, position, are insidious things, and with all due humility and sincerity we may well take thought, lest in the exercise of the duties of probation officer, we may gradually, imperceptibly slip into the use of those high opportunities for something else than the highest of purposes.

The third possible motive mentioned was that of doing good.

Most of you would expect me to set that forward as pre-eminently the motive which should influence a person in seeking to become a probation officer, and in performing the duties of that position. I am not sure that I shall make myself very clear, and I run some risk of being misunderstood in what I am going to try to say; but nevertheless what I shall say is the result of some years of observation and experience. In my judgment, we are more likely to succeed if we start upon our work with a clear conception of what we have to do, and look all the facts squarely in the face.

Probation has suffered from hard-heartedness and neglect, but it has also suffered a great deal from too ready and too indiscriminate sympathy: from too quick a readiness to disbelieve anything evil of anybody: from an insufficient disposition to get at all the facts, and to reserve judgment until the facts are known. One of the strongest evidences of that, is the fact that the community as a whole still believes that probation is synonymous with leniency and clemency, with letting people off. That, in my judgment, is an erroneous conception of the nature and the purpose of probation. I do not understand that probation is a substitute for discipline. It is simply a means by which we can test out the cases in which it is not necessary to be so severe. We should not be too ready to deprive a man of his liberty without complete knowledge of all the facts in his case.

I therefore should rather put forward to you, not as the highest conceivable motive, but as perhaps the best working thought about it, the fourth motive suggested as possible for a probation officer — *the idea of making good*. I would urge that you enter upon, or continue in, your work with the thought of doing that work better, more intelligently, more effectively, than it has ever been done before; and that you let the good that will result, the benefit that will flow from it, be, as it were, a by-product; a result of the performance on your part in the most careful and faithful manner of the duties imposed upon you by the law. It is not necessary, nor is it desirable, in my judgment, to look upon probation work as something mysterious or unusual, or different from other kinds of honorable work in which we may engage. It is sufficient to read the law to learn what duties are imposed upon you; and if you perform those duties diligently, resourcefully, faithfully and honestly, the good results will take care of themselves.

There is a very close analogy between the work of a probation officer and the work of a physician. The physician has one of the noblest professions in the world. There is perhaps no one who contributes more to the well-being, the comfort, the happiness of man than an able physician. The physician's motive and purpose is that of making sick people well. He doesn't become a physician and practice his profession every day in the week, and all hours of the day and night, with the thought prominently in mind that he loves his patients, or that he is trying to do all the good he can in the world, or that he expects them to be grateful to him. It is his job to make sick people well. Years ago he selected that as his profession, and the test that automatically, constantly and unescapably is applied to his work is his ability to cure sick people. He doesn't ask if a patient is of good character; he doesn't measure the degree of attention he gives him by whether the man is responsive or grateful. All he asks is what is the matter with the man, and how can he be cured.

Now, in my judgment, that very correctly represents the attitude which a probation officer should assume toward his work. In making the selection of probation as an employment or a vocation, he has set before him his purpose and his plan for himself, and the main thing for him to remember now is to make good as a probation officer. I would have him think three times whether he is making good, to once as to whether he is doing good. I believe he will do more good if he asks himself — "Am I efficient?" — than he will if he is thinking too much about what his motive is. Like the physician, the probation officer is dealing with individual human beings, one after another. I have known a good many successful physicians, and it seems to me that the most successful physicians I have known are those who have no particular theory about the philosophy of medicine, but who are very shrewd, close, keen observers, and who remember everything.

A very eminent physician, who died recently in this city, who was perhaps the most eminent man in the city in diagnosis, was called a few years ago down to Bellevue Hospital to the bedside of a girl who was extremely ill. The hospital physicians had confessed themselves unable to form any judgment of what was the

matter; but they knew that the girl was very ill and about to die unless she could be relieved at once. There was something wrong with her digestion, but they couldn't tell what. They called in this physician, and he looked at the girl a few minutes, and said something like this: "She is very sick. You must place her on the operating table at once, and when you open her stomach you will find a ball of hair in it. Remove that and she will get well." There was nothing to do but to obey a physician of his eminence. It was forthwith done, and sure enough a round ball of hair was found in her stomach clogging the opening from it into the intestine. One of the young surgeons who couldn't restrain his curiosity inquired from the physician how in the world by looking at the girl, he could tell that there was a ball of hair in her stomach. The physician said, "Perfectly simple. Thirty years ago I was treating a girl of about that same age, and her symptoms were just like those of this girl. We couldn't find out what was the matter, and we opened the stomach and found in it a ball of hair, and then we noticed that the ends of her hair had all been chewed off. I noticed that this girl had the same symptoms, and that the ends of her hair were chewed off. I have never known of but one other case."

Now, this shrewdness of judgment, this memory of all the contributory circumstances, this ability instantly to recall the previous case, are the best equipment possible for a probation officer. Fortunate is the man or woman who possesses ability in these directions. If not endowed with these qualities, however, a probation officer can at least strive most earnestly to cultivate them. Diagnosis is two-thirds of medicine; and in probation the work of investigation — that is, getting a knowledge of the facts, a real knowledge of what is accountable for the going wrong, is two-thirds of the battle. Let us not delude ourselves with thinking that any quantity of good intention, benevolent impulse, and friendliness is going to correct things unless we know exactly where the trouble is.

I had another friend, a physician, who became very ill, a nervous wreck. He consulted his friends in the profession, including most eminent physicians in this country, but he got steadily worse. He went abroad and still got worse. He came

back home given up to die, absolutely unable to practice his profession. He happened one day to visit a dentist, and the dentist discovered that a certain tooth was irritating a certain main nerve in one side of the face. He pulled the tooth, and in a very few weeks the physician was perfectly well. Now, his friends, the physicians and specialists, had wanted to help him; they had loved him, they had worked hard; they wished so earnestly to help him and he was grateful to them, but no one of them had done him a particle of good, because they had not found out what the cause of the trouble was.

If your chief concern then is to make good; to do high grade probation work, what are the standards by which you may judge what good probation work is? It is not the percentage that you will state on the monthly report to the court, or to the State Commission, of those who have left your care who have improved. You will be expected to turn in a monthly report, but please do not think for a moment that we calculate the percentages and rate the efficiency and success of the probation officers according to that percentage. If I wanted to have a perfectly misleading valuation of the work, I think I would go at it in that way. If I wanted to put my finger on the best ten probation officers in the State, I haven't much doubt that I would find them in the lowest third as judged by the percentages of probationers reported as having improved. I hope I don't seem uncharitable or unkind in saying that; I believe it to be true. The man who reports a considerable number of probationers as not having done well, knows what he is talking about and has the courage and the honesty to say it. The man that reports that ninety-seven per cent. of all those under his care do well, simply does not know what he is talking about, or else doesn't put down the facts.

The standard or measurement of success involves three questions. The first is, did you really find out what was wrong? Did you really get to know the facts which during the weeks and the months preceding the trouble, had led up to it? That particular offense charged in the indictment or in the charge was a just symptom, one outcome of a long series of tendencies and processes of deterioration. You must find out

wherein the real root of the trouble lies. Secondly, did you do all that was reasonably, humanly and decently possible to correct that evil, and to help those under your care to make good and to get back into a proper relation with their families and the community. And thirdly, did you look the facts, all the facts, squarely in the face and put the truth on the record,— not the rumor or the guess, but the fact.

You are entering on a line of work about which comparatively little is written. There are not many books that can be of much help to you. The art and the science of assisting those who get into trouble in the courts yet remains to be written. Training, education, experience in similar work; all those are desirable; all those are important. Yet even with none of those, there is no reason why any person with good health, good character, industry, and average intelligence should not make a successful probation officer. It is all within himself to work it out.

Just one word on the attitude of the probation officer towards those with whom he comes in contact. First, towards the court. The judge is the official superior of the probation officer. He exercises ultimate control and direction; what he says goes, and what anybody else says is simply a suggestion, advice,— perhaps good, perhaps not. What the judge says is to be done, because he is responsible for the appointment, and for the tenure of office, and under the law he has the ultimate and official control of what is to be done. But do not expect — unless I am wrong — that a judge with hundreds of persons on probation in the court can give you detailed directions as to how to deal with each individual under your care, unless in exceptional circumstances. Look rather to your own thoughts and to your own gray matter to work out the problem yourself.

Now, as to the attitude toward the probationer. It would be easy there, too, to fall into sentimentalism. I should be just as far from countenancing anything unsympathetic, anything unfriendly, as I would be from going to the other extreme. If I could express what seems to me the ideal attitude, it would be that of absolute, simple frankness, of absolute transparency of motive and of interest, of absolute democracy, of absolute simplicity; so that the probationer would feel just as sure of your friendly interest and

your desire to help, as he would also feel that you would know all the facts and that you could not be fooled.

As to the State Probation Commission. This very young, and I trust duly modest branch of the State government, has precisely the same relation to the work of the probation officer that the State Board of Charities has to charitable institutions, or the State Commission of Prisons to penal institutions. It has no responsibility whatever of administration, but is charged with the duty of inquiry, inspection, investigation and suggestion. There are two ways in which inspection work may be carried on. One is to go around when the work has been finished, and find fault because it wasn't done some other way; and the other is to try to help beforehand, to see if practicable that it may be done in the best possible way. Now, our plan, so far as we can operate it, is the second one. We want to promote and to assist in the building up of a thoughtful, genuine, effective probation work that will stand the test of close analysis; and at the same time — if need be — of hostile inquiry; and we want to do it in a perfectly friendly and open and above-board way.

We have as a State Commission favored the competitive examination as a practicable means of making appointments, but I wish to take this occasion to say that so far as appointments are made, and when they are made, we are no longer concerned with the method by which they were made; and that we are as ready and as sincere in our desire to help in any possible way those who are appointed without competition as those who are appointed with it.

I would like to refer to the attitude of the probation officer toward the general public. The general public is not really very well informed about the treatment of criminals. In my judgment, it is always a little panicky, and the instinctive attitude of nearly all of us is that the man who has broken the law and injured somebody should be shut up so that he will not have a chance to injure somebody else. The probation officers can help enormously to correct this attitude, by making the real facts about wrongdoers better understood. I urge you therefore to accept opportunities that come to you naturally and properly to tell the public of what you are doing; to write and speak and contribute the

result of your experience toward the building up of a sounder public opinion on the treatment of criminals.

If efficiency and efficient work should be your object, what will be its reward? Will it always be fully recognized? Will it always bring increased remuneration, and increased influence as it should? I wish I could truthfully say yes to all those questions, but I do not believe that I truthfully could. Efficient work may not always bring greater remuneration than inefficient work, because our machinery is so insufficient for testing efficiency. Efficient work will, however, bring increased influence, increased power, increased weight in the community, and even if it did not, it will bring the one thing most worth having, when the tale is told, the satisfaction of having done well a worthy work which has contributed to the benefit of the community.

Discussion opened by Chief Justice Russell of the Court of Special Sessions: I believe everything that Brother Folks has said. We have here the most august assemblage of practical probation workers that this city has ever seen. I know no more heroic work. One of the main features of the work of the Court of Special Sessions is to develop and exploit and hand down to the next generation this new system of probation. I say amen to all that the greatest enthusiasts say regarding probation and its nobility as a profession.

My public discussions heretofore on this subject have been very largely as to the method of choosing probation officers; whether by judicial authority or whether by civil service tests. I think that civil service tests have done much to reform certain departments of the public administrative service; but there is one thing more than merely an administrative function in the work of probation officers, and I have no apology to make for the stand that I have taken and at present I am sufficiently misinstructed not to change that attitude, the attitude expressed by Justice Maddox and by Justice Crane, that this is a vocation, a holy calling.

Mr. Fuller told me that in his observation an ideal probation officer might be wholly illiterate. I remember how astounded I was when this was revealed to me. If a person cannot write, there seems something wanting to make up perfect manhood or beautiful womanhood. But the probation officer can come back

and dictate to a stenographer the result of investigations. It isn't necessary to spell. The stenographer does it all. Whether a civil service test will develop at the top of the list those who are best qualified is something concerning which I am in doubt, and on which I am looking for light.

MANHATTAN, APRIL 7.

President Folks of the State Probation Commission: (The address delivered on "The Attitude of Probation Officers Toward Their Work," at this conference was similar to the one delivered at the conference in Brooklyn on April 6, which is reported above.)

Discussion opened by Supreme Court Justice Page: You are called upon to perform a duty to the community that is one of the most difficult that man has attempted to perform; and that is, how can we best deal with that member of society who has become outlawed because of his refusal to obey the laws of society?

They tried in the early days to put an end to the criminal by making almost every crime, no matter how slight, punishable by death. That was found to be entirely a fallacious idea; in fact, the bloody laws seemed to produce even a greater degree of crime. Then came John Howard and other English philanthropists who sought by change of law and by ameliorating the conditions in the prisons, to relieve them from this very drastic punishment. But nevertheless the idea was punitive; it wasn't reformatory. As time went on, imprisoning a man and punishing him for his offenses was seen to have very little deterrent effect upon others, and the conditions of punishment were such that the man came out from prison a hardened criminal. We hadn't accomplished what we had desired in the way of deterring others from committing crime, and one who probably had made an almost innocent beginning in the commission of some small offense, we made a confirmed, dangerous criminal.

Now has come the thought that possibly there is something that can be done to redeem the man that has made his first slip, or even that has gone further than that; and instead of making of that man a dangerous element of society, that he can be brought back and be made a valuable member of society. In the develop-

ment of that art you will largely be the pioneers. It is well worth the best effort, the best thought, and the best endeavor, of any man or woman. If it accomplishes what we hope and expect, if only a small percentage of these persons may be turned back into paths of rectitude, I don't know of any work that should win the gratitude of your fellow citizens more.

If you approach your work with the realization that that is the aim, and will look for your reward not in the pay that you may get, not in the praise that may be given you, not even in the just and decent recognition for the work you have done, but if you look for your reward to that satisfaction that comes from the accomplishment of a good deed, then you will find that you have your sufficient reward.

Mr. Folks has treated this question somewhat along scientific lines. Unfortunately, there are different kinds of probation, and you cannot class them all together. There is the probation for child defendants. You cannot handle children the way you would adults. You can't lay out a system of therapeutics for treatment of probationers and apply these remedies every time you see that particular symptom.

With the child and the first offender; the young girl who has made her first beginning in the downward path; the young man who has taken a few dollars out of the till, possibly to enrich himself on a sure tip on the stock market, or on the racetrack, and finds that it doesn't materialize,— with these, you must have, I believe, a certain amount of sentimentalism. You must make those people believe that you are their friend. You have got to make them feel that when you take hold of their hand, that there is a warm heart beating back of that, and that you feel sorry for them and they have one friend who is going to stand by them and help them out.

You take the hardened offender, as the husband who fails to provide for his family, and the less sentimentality that enters into your dealing with him the better. He has got to realize that he has a certain obligation placed upon him by the judge, by the law, and by the demands of decency and humanity; that he is a pretty poor object; that he must meet the obligations that rest upon him; and that you are there to see that he does.

So you can't, as I say, lay down any hard and fast system of dealing with these cases. A doctor called on me a short time ago. I had a pain on the left side and he said, "It's too bad, really too bad, that that pain is over there. If it were only on the right side, I would have your appendix out in no time." He really looked upon me as a person that was not friendly to him because I insisted on having a pain where he couldn't find any excuse to give me. That man is a good skilful surgeon and may have learned a good deal that Mr. Folks speaks of; but if you are really in trouble, if you really feel that you want to talk the matter over friendly, you don't go to the doctor who is all the time thinking of his scalpel, and how he can use it on you. In dealing with these questions of the proper development of a moral nature, you have got to get into a close personal relation with the person. You can lay down moral rules, you could recite the ten commandments to those people every day; but the placing of the hand on the shoulder and saying, "Well, my boy, how goes the fight; is it easier with you now; do you find that you are not inclined to do these things that you have been doing?"—does more good than to stand before them and read the decalogue or any resolutions for their betterment. I know that Mr. Folks agrees with me on that, although his remarks didn't go quite that far.

I am sorry to hear that some of you are yet in the state of expectation. I had hoped that by this time the hopes of all of you would be realized. There is one thing certainly that our Commission* did. It provided for the appointment of a large number of probation officers. If the magistrates and various courts have not done what was expected, I think that proper provisions should be made.

It is a wonderfully strange thing that this city, with so many charities and institutions for the reclamation of those both morally and physically diseased, should have been so far behind on this question of probation. We actually found in the Manhattan Children's Court, not a single probation officer paid by the city. We found in the Magistrates' Courts a few, mostly women, who were doing real probation work. In some of our smaller cities in the State, the development of the probation system had gone way beyond the slightest dream of our officers here in this city.

* The Page Commission on Inferior Courts.

THE LEGAL ASPECTS OF PROBATION.

Manhattan, April 11.

Judge Herbert of the First Division Board of Magistrates: It is not difficult to review the law relating to probation. Anyone who takes the trouble to study section 11-a of the Code of Criminal Procedure ought to pass with honor the most exacting examination on the law relating to probation. The law and probation are not as yet very closely related. Law follows the hard and beaten path of precedent, while probation still walks in the primrose path of youth, unhampered by precedent and relying for its guidance, not upon legal decisions, but upon the common sense and good judgment of those who are entrusted with the responsibility of its administration. Probation is as yet in its infancy, and by many still very much misunderstood. It should not be so freely or so carelessly applied as to impress those who contemplate wrongdoing with the idea that it will save them from the natural consequences of their own unlawful acts, and it was never intended as an avenue of escape for a tender-hearted court from the performance of its plain duty of inflicting punishment where punishment is due.

Probation, properly applied, belongs to no particular category of crime, it is the right of no particular class of offenders. It has come to be regarded by some as applying particularly to first offenders, but this, I contend, is a mistake. The young man who, heedless of his parents' warning, drifts into bad company, and who later on, armed with a jimmy, commits his first offense by prying open the door of a residence or a store, should never be known as a probationer; he is a criminal pure and simple, and in my opinion probation is not an effective method of reforming criminals.

In the overworked and nervous mother, who, in a moment of temptation, took from the department store counter the trifle that she needed so badly and yet could not afford to buy; in the domestic servant who gave years of honorable and faithful service to fall eventually into the temptation of stealing her mistress's locket or ring; in the faithful employee who for years withstood

the temptation of handling his employer's money and who in a moment of financial stress was detected in taking the few dollars for which he did not have the courage to ask — in these and many other cases we have ample opportunity for the full and free exercise of the probation system, which, if properly applied and carefully guarded from abuse, is certain to become one of the greatest instruments for good that has ever been used in the administration of the criminal law.

The most serious obligation resting upon probation officers is that of saving the probation system from the discredit which must necessarily follow its abuse. When we shall have reached the point of proper and effective organization, I hope that probation will be resorted to only after the full investigation and report of the probation officer which is provided for by law. When we shall have arrived at that point the probation officer must accept responsibility for the improper use of probation, for upon his report the question of probation or no probation in a given case must necessarily be determined. In making that report he should not hesitate to present the aggravating circumstances, if any there be, in the mistaken belief that he owes it to the defendant to give him a chance. Your first duty is not to the individual, but to the probation system, and that system receive a blow if your probationer proves by his subsequent conduct to be unworthy of the privilege extended to him.

Taking up the sub-topics that have been so considerably suggested in the program, we find the following:

What should be the relation of the probation officer to the court?

If the purpose of this question be to ask whether the relation of the probation officer to the court in probation matters should be a confidential relation, or whether each should perform his part of the work independent of the other, I am in favor of the latter. I have had a year's experience with the confidential probation officer and nearly a year's experience with the court probation officer who confines himself to the duties provided by law, that is, of ascertaining the conditions in each case and reporting the same to the court, and I am satisfied that the latter is the best relation both for the court and the probation officer. I do not say

that the probation officer should have no opinions of his own, or that he should not express them at the proper time, but I do say the "fussy" probation officer will never be popular.

What should be the relation of the probation officer to the probationer?

The law says the probation officer should aid and encourage the probationer by friendly advice and admonition and by such other measures not inconsistent with the conditions imposed by the court.

Let me here remind you that a probationer is not a long lost brother or sister. At best he or she is a prisoner convicted of some offense or crime and, for the purposes of probation, he or she should be treated accordingly. I do not say that the probationer should not be advised and encouraged, that the probationer should not be made to feel that you are ready to help him or her in every way consistent with your duty as a public officer; but I do say most emphatically that your probationer should not be "coddled." The man who first said, "You can catch more flies with molasses than you can with vinegar," never heard of probation, and the adage does not apply to it. The fear of punishment has played a very important part in the production of our present civilization, and I am not one of those who believe that it can now be dispensed with. A wholesome fear of the probation officer and of the consequences of disobeying his or her directions, is in my opinion worth more than a whole lot of advice. "Familiarity breeds contempt," and in that you have an adage which was especially intended to apply to probation.

Keep your probationer at arm's length. Do not by your well-meant but misplaced kindness create in his mind the impression that probation is a sort of a middle course between charity and uplift; give him clearly to understand that it is a serious matter for him and that you are his friend only so long as he conducts himself in a proper manner.

What should be the relation of the probation officer to the police authorities?

"The probation officer," says the law, "shall have as to persons placed on probation under his care, the powers of a peace officer." This means that he can arrest on warrant any proba-

tioner under his care and I fail to see how it is necessary for him to have any relations with the police authorities; except in cases where police protection or assistance is necessary.

What are the duties of probation officers?

The law provides that they shall inquire into the antecedents, character and circumstances of the accused and into the mitigating or aggravating circumstances of the offense, and report the same in writing to the court; shall furnish the probationer with the terms of his parole; keep informed as to his conduct and condition; make proper monthly reports to the court and the State Commission; keep records of their work and an accurate account of all moneys collected from probationers, and make monthly returns thereof.

These are the duties specified in the law, and, in a general way, they cover the ground pretty well.

Under this sub-head let me call your attention to something that came under my notice about a year ago, when I was a member of a committee appointed to try and bring order out of the chaos which then existed in probation matters. Going over the records of the probation officers, I discovered that many probation officers, male and female, would much rather walk a mile than write a line. I discovered some instances in which the officer had faithfully visited the home of the probationer, and in other respects did fairly good field work but failed utterly to make a record of a single visit or transaction. I speak only of those instances in which I know good field work had been done, for I am aware that in many instances the virgin page of the record was an entirely correct record of what had been done. I call this matter to your attention for the purpose of emphasizing the importance of keeping good records. From the personal standpoint you wrong yourself, because the investigator will come along bye and bye and judge your work solely by the record. From the other standpoint, your work is defective and it is an injustice to those who are trying hard to bring probation to its highest state of efficiency.

Be diligent in seeking out and bringing to justice the man or woman who violates his or her parole. Men and women who violate their parole and who are not re-arrested and punished are

responsible for the impression that prevails among offenders that parole means discharge pure and simple. In answer to an inquiry as to what he intended to do about an absconded probationer, the officer responded, "What can I do?" The answer is simple: Prepare an affidavit setting forth the violation of parole, present it to the judge and obtain a warrant, and if you cannot locate your man, notify the detective bureau and they will help you to find him. If he is found, have him arraigned and tried on the charge of violating his parole, and do all in your power to bring about his speedy and proper punishment, not so much for the purpose of punishing this particular offender, but as a warning to other probationers of what to expect for disobedience or violation of parole. I cannot too strongly impress upon you the importance of following up delinquent probationers; they are a menace to the probation system, and the city and State authorities should co-operate in making the way of the violator of parole as hard as possible.

What conditions may probationers be required to observe?

These conditions will depend to a certain extent upon the offense of which the probationer was convicted. Many of them are set forth in section 11-a, but the court may impose any conditions that it deems proper. The purpose of these conditions may be summed up in the sentence, "Keep out of trouble," and "trouble" in this case means coming back into court. I am not in favor of drawing the line too tightly on the probationer, because you will experience some difficulty in getting convictions for violation of parole unless the violation be substantial. Each case must be decided independently, but I do not think you will experience any difficulty in determining when a probationer has reached the stage when his arrest for violation of his parole is necessary.

The home of the probationer shall at all times be open to the inspection of the probation officer. There only may the probation officer observe conditions in their true light. The impending visits of the probation officer, which, like most of the other misfortunes in life, happen unexpectedly, is closely allied to the needle-work motto over the mental asking God to bless our home. The best work of the probation officer is in the line of home visitation. I

had occasion to observe last year the practice of bringing the probationers together at headquarters and it did not impress me at all. I am not entirely free from the suspicion that it was invented by some corpulent probation officer as a substitute for the home visit. If that suspicion be well founded, then the substitute is a very bad one. The probationer may be what is known as "a street angel and a house devil," and he is certain to be on his best behavior on reporting night. The system then in force was to call the name of the probationer and little more was done than to check off his presence or his absence. It had no good results, and even under the most favorable conditions it does not bear comparison to the home visit.

For what period may persons be placed on probation?

Section 11-a says: "The period of probation shall not exceed in the case of children their eighteenth birthday; in the case of any other defendants convicted of any offense less than a felony, two years, and in the case of any other defendant five years."

The Inferior Courts Act says: "A child may be placed on probation for such time as the justice holding the children's court may deem proper, not longer, however, than three years."

This time is fixed by the various courts within the limits above prescribed, but for all practical purposes the minimum should be six months and the maximum two years, depending upon the nature of the case. I do not approve of a probationary period of more than two years. Probation should mean supervision in every case, supervision takes time, and no probation officer should have more probationers than he can visit at least twice in each month. For results I prefer a year's probation with two visits a month from the probation officer than five years of the "go-as-you-please" style. Long periods of probation tend to increase the number of probationers allotted to each probation officer, and every increase in that number beyond a certain point means a decrease in efficiency. We should devise a plan by which probation officers will have certain hours for court and field work. Good field work should not be expected from a probation officer who spends eight or nine hours a day in a crowded court room.

What are the provisions of law concerning probationers who abscond? The provisions of section 11-a and the Inferior Courts

Act are, in effect, that upon proper proof, by which is meant the affidavit of the probation officer, the court, justice or magistrate, may revoke the probation and issue process for the re-arrest of the defendant, and if re-arraigned the court, justice or magistrate may make such commitment as could ordinarily have been made if the defendant had not been placed on probation. Whenever practicable the re-arraignment shall be made before the court, justice or magistrate who placed the defendant on probation, but when by reason of the absence of the judge who put the case on probation this is not practicable, the re-arraignment may be made before any other judge.

How may probationers be transferred to the supervision of a probation officer in another district?

Section 11-a says on this point: "A court or magistrate may transfer a probationer from the supervision of one probation officer to that of another, and such transfer shall be reported by the court or magistrate to both of such probation officers and to the probationer, and a record of the transfer shall be filed with the records of the case."

The section also provides for the transfer of a probationer from one county to another whenever desirable or necessary, and it is a wise provision because in many instances it becomes necessary for the probationer to change his residence from one county to another in order to obtain employment. In the past it virtually amounted to a discharge of the probationer to permit him to leave the jurisdiction, but with our present State Probation Commission, through which the officer in St. Lawrence county may get in touch with the officer in Brooklyn, such transfers should no longer affect in the slightest degree the supervision at all times necessary to proper and efficient probation.

Discussion opened by Judge Appleton of the First Division Board of Magistrates: (Judge Appleton spoke extemporaneously, and unfortunately no stenographer was present to report his address.)

LEGAL ASPECTS OF PROBATION.

Brooklyn, April 13.

Judge Wilkin of the Court of Special Sessions: After picturing the several steps in the conduct of a criminal trial and emphasizing the diverse attitudes assumed by the prosecution and the defence, showing only all that is bad on one side, and only what is good on the other, thus leaving the judge, after a verdict of guilty, in a quandary, showing how hard it is for him to determine a just judgment when only the extremes of the case have been presented, and after explaining that this condition of affairs, to a greater or less extent, has continued for many years, the speaker explained the important function that a friend of the court might play in assisting the judge, about to impose a sentence, in ascertaining the true facts especially in relation to the character, environment, education, etc., which important details were not developed at any part of the trial. It was in this way, in this city, and probably in all jurisdictions, that the office of probation officer was originated.

It has been contended that the right of the court to suspend judgment after conviction was inherent (Am. and Eng. Enc. of Law, 21, 283), and while the power of the court to temporarily suspend sentence has been admitted, in other cases the contention has been that the court could not, without special authority, indefinitely fail to impose the judgment. (Abbott's Cyn. Dig. 4, 875.) It was claimed that, if this power was granted to the courts, it would, if exercised, amount to a pardon. The statutes, however, recently, especially in our own State, have empowered the courts to suspend sentence.

My contention is that the old law provided that immediately following the judgment of conviction a certain specified punishment was necessarily to follow, but the law as passed in recent years has been to authorize the court, either to impose a sentence or to suspend such as seemed to be most in the interest of public justice.

In the State of New York, all of the criminal law is purely statutory, that is, the crimes with their punishments, and the mode of determining the guilt or innocence of a prisoner, charged with

a crime, is governed by statutory law, mostly contained in the Code of Criminal Procedure and the Penal Law.

Under the Code of Criminal Procedure a court, after a plea or verdict of guilty, may pronounce judgment at any time thereafter within the longest period that the defendant might have been sentenced, but this could not be continued longer than the expiration of such period unless the defendant was convicted of some other crime during such period. (Section 470-a, Code Criminal Procedure.) This provision was introduced into the law in 1893, and you will see, without using the term probation, specifically provided that the sentence could be suspended, in the judgment of the court, after a conviction. It is true that no specific suggestion was made as to how the judgment of the court should be used or upon what it should base its action, but I think it will hardly be contended that this statute did not amply provide for the placing of a convicted defendant under such regulation as to behaviour and conduct as would meet with the approval of the court.

Indeed it is true, that for nearly twenty years in our own county, the practice of the County Court, which was inaugurated under the late Judge Henry A. Moore, of investigating the character and home surroundings of a convicted defendant and permitting such defendant in special cases to go on a limited liberty, such liberty to be regulated by the report of an officer of the court, other than the judge, has been recognized. Such a practice, however, was limited to the criminal branch of the Kings County Court, and except in such special cases as for instance the late Mrs. Foster, who, in recognition of the unselfish and important work she had performed, was so honored by the Court of Special Sessions in New York county as to have a tablet placed in the court room, it formed no part of the criminal courts' procedure.

Mr. Erastus Backus, who as county detective and later as probation officer attached to the Kings County Court, Miss Anne V. Roome as the representative of the Christian women in Brooklyn, and a few others, were the pioneers in what now has been recognized by the State as a legitimate function of its criminal practice.

I will make no pretense to present a history of probation in

New York State, but will take the law as I find it, and as certain sub-topics have been suggested.

The relationship of the probation officer to the court is one of employer and employee. While both the judge and the probation officer are public officers of the State, it is evident that the law contemplates the selection of the particular probation officer by or through the advice of the particular judge in whose court the probation officer is to serve; that often it is the case that the work of the probation officer will be suggested, in general if not in detail, by the judge; that the extent of the investigation together with the particular points upon which emphasis should be laid, as well as such special inquiries as are needed, are all under the direction of the court, and when the report is made and the defendant has been put upon probation, the officer having the particular probationer in charge, should study to ascertain to the best of his or her ability, the particular desires of the judge and to carry out, so far as possible, the helping or reformatory measures suggested by the court. Of course, it goes without saying that in most cases the court will make no special suggestion as to how the work should be done or the duties performed.

When the report is made to the court of the preliminary examination, and later as to the conduct and progress of the probationer, it should be presented without any color or bias or any indication of recommendation from the probation officer. If the investigation is not as thorough as the judge seems to think it should be, or not as favorable to the prisoner, the attitude of the probation officer should be to, as far as possible, enable the judge to obtain all of the information possible and to assume the correct attitude as it is understood by the probation officer, but whenever effort is made along these lines and still the court takes a view not along the line of the officer's report, the officer should recognize that his duty has been performed and that after all the judge is the responsible medium to carry out the demands of the law.

The fact that a judge does not follow the recommendation of a probation officer after his investigation is reported, or after probation has been continued for some time, does not necessarily indicate that the officer has not been faithful, intelligent and painstaking, but it may be the greater wisdom of the judge, who may

have a more full knowledge of the prisoner's history than the officer has been able to obtain, or some other reason has led him to form his opinion which is not along the lines suggested by the officer.

To sum it up, the relationship of the probation officer to the court should be that friendly relation between co-workers in any great undertaking, always recognizing the peculiar position of the several principals involved. The officer should feel that he has first the confidence of the court and its sympathy, and the court on its side should feel equal confidence in the officer.

The relationship between the officer and his probationers should be that of an interested friend. He should never assume the position of dictator or official bully, nor should the other extreme be reached, but perhaps the best description of that attitude would be that of an elder brother, one who has the knowledge as to what action should be taken; has a live interest in the one to be helped; has the ability to appreciate the situation and condition of the probationer, and at the same time stands in the position of having the authority of the court at his back so that in the event of every helpful suggestion being refused, he may call upon the reserve authority of the court to prevent a recurrence of the injury for which the probationer should suffer. To all probationers, the officer must assume the attitude of a friendly counsellor, ready to assist; to secure employment where needed; to give directions as to where information may be obtained; to be willing to aid in any particular way the necessities of the probationer indicate.

To the individual probationer the officer's attitude will probably have to vary in every case, as no two men or two women have the same mental attitude.

I would suggest the careful study of each probationer with the idea of impressing upon him that he is the one to work out his own salvation, and that neither the probation officer nor the court can do this. I would suggest no coddling, but at an early period impress this great and important factor upon them. It is impossible to make a man walk when he refuses to try to use his feet.

I do not believe that the officers should be propagandists along the line of any peculiar theories, but that in effecting the benefits to the unfortunates under their care, they should endeavor so far as possible, to improve the prevalent conditions.

The attitude to the police authorities should be that of cordial co-operation. There is no very great distinction between the work of the police and the probation officers when we consider the ultimate end; both are to restrain and reform. Perhaps the police emphasize the former more particularly, but without the apprehension of the criminal he could not be put on probation, and therefore, the probation officer is only another branch of the arm of the criminal law to work out the great problem of teaching men and women how to live under the plan of the Golden Rule.

The first great duty of probation officers is an honest intention to do the best work, and as the work of probation officers is divided officially into two classes, first the investigation of the character, home surroundings and general conditions of the prisoner; and second, to assist in his or her rehabilitation, the duties of the probation officer should be governed by two great principles. Be absolutely honest with the probationer, with the court and with yourself, and second, endeavor to give an intelligent account of the actual conditions and surroundings as they present themselves.

I would suggest that we keep in mind the idea that as soon as the probationer becomes a good citizen, he will cease to be a probationer; that whatever condition suggests itself along the line of good citizenship would be fair to apply.

Any suggestion from the court should be followed carefully, as it is possible that the wide experience of the judge who has determined to place the probationer on probation has given him a broader insight into the requirements of the special case.

The period that prisoners may be placed on probation is really not a subject for determination, either legally or otherwise, by a probation officer. That is purely the prerogative of the court and if the judge believes that an apparently correct life for one month is a sufficiently long time for the probationer to observe as such, it is not a matter of suggestion for the probation officer. If, however, the matter does come from the judge and he asks the suggestion of the officer on this subject, the answer must be determined entirely upon whether in your opinion the probationer has gained sufficient strength to be able to conduct himself in a responsible manner. If you have reached this conclusion that he is able at the end of one month, six months, or a year or more, then it is

your duty to so recommend, if asked. I would suggest that great care be taken by probation officers not to appear to make recommendations to the court regarding prisoners under their care until the court has asked for such information. This has been thought to be so important that in Rule 22 of the Court of Special Sessions we have adopted the sentiment: "No probation officer in his report or otherwise shall make any recommendation as to judicial action unless specifically invited so to do by the court."

When a probationer is to be transferred from one court's jurisdiction to another this should be done only through the chief of the department, and if the probationer leaves the jurisdiction of the court the duty of the probation officer is to immediately instruct the court of such action unless it has been done at the suggestion or with the approval of the judge to whom the probationer should report. The method laid down by the law is quite simple, and provides that a court or magistrate may transfer a probationer and that a minute of such transfer shall be made in the records of the case.

Sometimes a probationer may, in search of work, or for some other legitimate reason, desire to leave the jurisdiction of the court and when he has been away for a certain time he writes to the probation officer that he is away and explains his condition, either doing well, fairly, or not so well. In a case of that kind, I would suggest that the rules of the department be followed. Where only a single probation officer is involved, I would suggest that the officer make careful and thorough confidential inquiry as to the whereabouts and conduct of the person on probation and if that agrees with the report given him he need not make a statement of this condition to the judge until the regular return day of the probationer. In the case, however, where a regular department of probation has been established, as in the case of the city magistrates' courts and the court of Special Sessions in New York city, I should say, that on this information being received in relation to any probationer that the rules of the department be followed carefully.

To the chief probation officers where they write to other cities or country places, I would advise very great caution, that their communications shall be considered confidential, so that no harm may be done to the probationer if he is doing well.

Whatever our relationship may be, whether it be with the court, with the probationers, or with brother officers, our transactions should be absolutely honest. I would not advise you to advertise that John Doe, your probationer, is a convicted thief, but I would not make any pretense when applying for work for John Doe that he was honest and gentle. One who has been tempted may be carried along for the rest of his life as a decent citizen if he is not exposed to extra temptation along the lines of his weakness. That being the case, I would, when I felt it necessary, inform the employer as to the general character of the probationer for whom I was applying for work. In this way, you will never have anyone criticize you for placing him in a wrong position.

This is particularly to be emphasized regarding females, for who can say how much damage and injury a morally weak girl can do in a respectable family, if turned loose without warning?

In conclusion, let me again suggest to you: First, in all your acts be strictly honest, and secondly, to the best of your ability, give intelligent service to those employing you.

Discussion opened by Judge Geismar of the Second Division Board of Magistrates: (Judge Geismar's address was extemporaneous, and unfortunately no stenographer was present to report it.)

PRELIMINARY INVESTIGATIONS.

Brooklyn, April 20.

Dr. Lewis, Secretary of the Prison Association of New York: I wish Dr. Barrows, who, as Mr. Towne has said, drafted the first probation law passed in this State in 1901, were here to speak in my place. This whole subject of probation is one in which Dr. Barrows was intensely interested. The Prison Association is interested in probation work partly because we have so much to do with the men just out of prison. Large numbers of prisoners from Elmira and Napanoch reformatories, as well as from the State prisons, are each year paroled under our care. We have also for a number of years had an agent, Mr. Kimball, doing probation work in the Court of General Sessions.

It seems to me that of all the efforts that are being made to reduce the amount of crime the most important is the developing

system of probation. I would rank probation first, parole second, and the period of imprisonment third, in efficacy in our system at present of treating offenders. It is a startling thing that this probation work has come to its present height within a decade. Only ten years ago Dr. Barrows drafted this law. In Massachusetts it had been working out for more than twenty years, but few of the states had accepted it. But this probation idea itself is symbolic, is it not, of a general change in the attitude toward the offender? I think each one of us understands that quite fully, and that while the law has changed but gradually — in some states very lately — the attitude toward the offender in the public mind, in the mind of the judges, and particularly in the mind of social workers, has changed very decidedly.

The old idea that we must have a fixed penalty of course is rapidly disappearing. We find that the judges who were antagonistic to the indeterminate sentence are now in favor of it,— although sometimes with some doubts as to the way in which it is working out. During the last five or six years we have developed a State Parole Board which was not known until about 1904 or 1905. Up to that time the Prison Commission had been the paroling agency for the prisons. Then it was found that parole was so important that we developed our State Parole Board.

I don't need to go into detail with you in regard to the evils of imprisonment. You certainly know that it is a good deal better in the case of the normal or nearly normal person to have a chance on the outside, if in your opinion the results are going to warrant that chance. Now, I have an idea that within the next fifteen or twenty years, we are going to see a very different plan of prison developing in this country. I don't think we are going to build very many more million dollar prisons. The probation system is skimming the cream, so to speak. We are going to have agricultural prisons. The other day a man came down from Toronto and talked to the people of New Jersey about a prison in which there were forty cells for 500 people, ten or fifteen beds in a dormitory. There are going to be separate rooms. While that isn't exactly a probation item, it is significant of the fact that our views toward the offender are changing.

Let me tell you a story to illustrate the difference between the

law and common sense. Someone in New York city was charged with grand larceny, because of the theft of some ostrich feathers, which, according to the prosecuting attorney, were valued at \$44. There didn't seem to be any defense. When it came time, the lawyer for the defense pointed out that on the day the feathers were stolen, it was bargain day and that the feathers originally valued at \$44 had been marked down to \$24; consequently, he was not guilty of grand larceny, but only of petty larceny.

The probation officer in a preliminary investigation has two things to do. In the language of the physician, he has to make a diagnosis, and has to make a prognosis. His diagnosis consists of sizing up the circumstances as they are. His prognosis consists in estimating what is going to happen.

The reason I am in social work is because back in 1901 or 1902 I happened to have written a short article that was found satisfactory by the magazine editor of the Boston Transcript, and he asked me if I wouldn't write some summer articles. I tried to write something, but all my articles were turned down. After I had handed in three or four articles the editor said, "The trouble with you is that you are writing 'what,' all the time and not 'why.'" I thought it over and decided I was writing "what" and not "why." I was describing things; how many people were working in the post-office at night, and at three o'clock what they were doing. Why are they doing that at three o'clock? Why are they not in bed? I reported they were earning \$18 a week, and he said, "Why are not they earning more?"

That illustrates one of the fundamental things the probation officer must be cognizant of in making investigations. You can send a report to the judge that so and so has a father and no mother; is earning such a sum a week, and is in the employ of such a company. While those facts will be perfectly true, they are what I would call the "what facts" and not the "why facts." Why hasn't he got a mother? Have the circumstances of that family been such as to make that mother die in early life? What have been the results of her death? If this man is earning \$12 a week, how many weeks in the year does he earn \$12? Why isn't he earning more? What is he doing with his money? There are any number of questions. The judge depends very largely upon the

probation officer to give him a correct alignment not only of the "what facts," but of the "why facts" also. The probation officer shall report as to the mitigating or aggravating circumstances. The law doesn't say that the probation officer shall tell the judge whether the person that he is investigating is innocent or guilty. A probation officer is not a judge.

I don't like the word "investigating." I wish we could say, the person of whom he is making a "diagnosis," because an investigation implies that there is something wrong with the person and there is a stigma implied in the word.

Our probation officers are used very frequently in preliminary investigations in the cases of persons in the Tombs, and they very easily slide over into the position of advisors of prisoners who need advice.

All of us who have done any case work know that the sources of information are very many. The defendant, the defendant's family, the previous residence, school, employers, friends, relatives, and the pastor,—all these should of course be visited. But we shouldn't stop with an investigation until we have really made up our minds that we have gotten somewhere, and something definite and accurate has been found out. If we haven't gone as far as that, we ought to tell the judge so. We shouldn't say this or that is so when we are not sure. Isn't it better to tell the judge we haven't had time to make the investigation than to make a report that makes us uncomfortable afterwards?

What is the use of neglecting any of the ready-at-hand sources of information? Why shouldn't we always find out from the Charity Organization Society or the St. Vincent de Paul Society whether they have a record of the person; why shouldn't we find out whether there is a record with the police; why shouldn't we use every source available to find out all we can? This matter of co-operation with institutions is something that I impress upon the members of my staff. For instance, we are dealing with dependent families in the Prison Association. We have now twenty-five or thirty dependent families whose bread-winners are in prison, and I lay down the rule that every case just as soon as it comes to us should be hunted up in the registration bureau of the Charity Organization Society. Similarly in the Jewish cases,

with the United Hebrew Charities. If we don't do that we are apt to find that we have been spending lots of time and money by neglecting to get ready-at-hand information.

When we come to analyze what the real causes of lots of our cases are that we are diagnosing, we find certain pretty definite ones. We hear frequently that there are two causes for conditions which we are treating, namely, heredity and environment; but those cover such a multitude of causes that I would like to point out a few of the "why" causes.

You must have noticed the tendency now to scrutinize very much more carefully than ever before the mental condition of children that come to the children's court, or of adults before the Court of Special Sessions. Dr. Davenport, who is at the head of one of the Carnegie institutions, says that there are in this state about 30,000 feeble-minded persons, of whom about 4,000 are in institutions. The other 26,000 feeble-minded persons are a menace to the community during the whole reproductive period. He says that if the state should purchase land and build institutions which would house all of these feeble-minded persons, and would pass laws to put them under custodial care (although that would cost the State thirty or forty million dollars), at the end of thirty years the State would in large measure have stamped out feeble-mindedness, and would be able to sell its buildings and land so it would not have spent very much more than the simple maintenance during those thirty years.

This question of feeble-mindedness is occurring so frequently in connection with the treatment of probationers and persons who have come out of prison that the Prison Association has established a special committee on the subject. We have at the present time a psychiatric examiner, Dr. George M. Parker, visiting the Tombs three times a week. He is making a prognosis of the men from the physician's and alienist's standpoint, and those reports are going in to the judges. In the children's court in Manhattan they are considering the matter a very great deal. The Society for the Prevention of Cruelty to Children has given Dr. Schlapp a chance to diagnose many children. The House of Refuge is taking up the matter of the treatment of the feeble-minded child in a separate part. All this relates to what you might call a con-

genital cause of the conditions you are diagnosing in your preliminary investigations.

There are also many industrial causes. I cite one, child labor.

Among the social causes of the offenses which you are engaged in studying, are the family that is broken-up or down, the deserting husband, the overworked parent, the bad home that forces a man to go to the saloon, the case of too many children, the unhappy home. A great deal of what you meet in your daily work is due to inefficiency, to a faulty educational system, and a faulty home life, the grouping together of which has led to almost overpowering conditions of delinquency. All of those things play a part, and we have got to go far enough to give the judge an intelligent idea of the reasons why in our opinion the offense was committed.

Discussion opened by Chief Probation Officer McKinny of Brooklyn:

The purpose of a preliminary investigation is to learn if a prisoner is worthy of probation. It is to learn the causes that were responsible for his arrest and also the mitigating circumstances. It is largely on the report of this investigation to the magistrate that the disposition of the prisoner is decided.

This is a very important part of probation work. I am strongly opposed to placing any prisoner on probation without a preliminary investigation having first been made. This conviction has been developed during my comparatively short experience in probation work. As I am the recipient of reports from probation officers of the Second Division I am made acquainted with the necessity for it. I also know from conversation with my own officers, and from interviews with probation officers of the other Division, that they are one with me in this view of the work.

Without this preliminary investigation many a prisoner has been accorded the privileges of probation when beyond a reasonable doubt there really was no hope of reformation through probation. This is true of repeaters. Cases have come to my notice where no magistrate, except through mere accident, could have been familiar with the circumstances. This has been because of the rotation of the magistrates from court to court, and also because these regulars apparently know enough to land in another court district from the one in which they are or have been under probationary jurisdiction. The outcome of this is that when ar-

rested and arraigned in court and convicted of the offense a tender-hearted and well-meaning magistrate assigns them to probation upon a plea of first offense. It has so happened that one prisoner has been on probation in two different court districts under different probation officers at the same time. A preliminary investigation would have prevented this, for communication with the central office where the records are kept from all the courts would have disclosed the true state of affairs.

If any good were to be accomplished by repeatedly placing persons on probation no complaint or criticism would be made, but as a general rule this class of prisoners violate the conditions of probation and are finally committed to an institution. This works an injury to the cause of probation. Then, again it happens that fictitious names and addresses are given by prisoners, and we have cases where once they left the court no further trace has been found of them.

I believe that a large part of the cases that reach the police courts are due to some deficiency in the home life, and often the complainant is the real culprit. I have cases on record where upon the report of the probation officer the complainant has also been placed on probation. My probation officers are instructed to make a record as to whether or not an investigation has been requested and made in each case assigned to them so that failures in probation may be traced to the proper source.

Another point in investigations is the value of partnership work. I mean requesting and receiving aid from other probation officers in investigations. There have been real failures in some cases, either because of timidity or selfishness on the part of some probation officers. I say particularly to the men probation officers, that in many cases assigned to them they will find it greatly to their advantage and to the interest of the prisoner or his family, to invite co-operation of the woman probation officer. Very often a poor woman who has been obliged to complain against her husband will hesitate to confide her real troubles to the man officer, but would willingly and freely confide in the woman officer. In these cases there should be no hesitation on the part of one officer seeking the help of a fellow officer. Even in visitations to the home after the husband has been placed on probation, the services of a woman

officer are a great help. Intuitively she sees the flaw in the house-keeping that probably has been the cause of the unhappiness, and often she can diplomatically straighten out the unpleasantness.

This kind of co-operation is worthy of adoption. There is a certain pride in the accomplishment of good single-handed, but there is no credit in losing a case simply because you have refused for some personal reason to accept the assistance of another officer.

MANHATTAN, APRIL 21.

Dr. Lewis: (The address delivered at this conference on preliminary investigations was in substance similar to that delivered at the conference in Brooklyn, which is reported above.)

HOW TO LOOK AFTER AND AID PROBATIONERS.

BROOKLYN, APRIL 20.

Mr. Mulready, Deputy Commissioner, Massachusetts Commission on Probation: Probation in Massachusetts, by which I mean legalized judicial probation, is the outgrowth of philanthropic work on the part of certain individuals, who seeing the opportunity, embraced it, and visiting the court asked that certain defendants should be entrusted to their care and attention. That was in the early seventies. At present we have a law that the justice of every court shall appoint at least one probation officer.

In the year 1910, 15,518 persons were placed on probation in our commonwealth. This was a gain of 1,551 over the year 1909. One would say that this large number of cases might lead to an increase of crime, but we are assured that this is not so, for during the past year a commission, appointed by the governor to investigate the increase in crime, insanity, epilepsy, etc., has made an exhaustive study of the situation, and not only declares in its report that there has been no perceptible increase in crime but recommends that probation be used in a still larger number of cases in the future.

Probation is essentially a test of character. The defendant stands in the dock convicted of a crime. We endeavor by every means in our power to ascertain just what his character is. Persons are placed on probation because someone, either the judge

presiding or the probation officer, or perhaps both are convinced that this particular person has some good in his character. As a test of the accuracy of this opinion and the judgment of the person who expresses it the judge ventures to place the convicted one on probation, and then the test to which we have referred begins.

Business men employ several methods by which they try out the merits of those with whom they are brought in business relations. So too must we have method as probation officers and judges, to test the real character of those who have been selected for the test.

Six hundred and ninety-three non-supporting husbands were brought into court last year and placed on probation on condition that they should pay to the probation officer a certain sum to be used for the support of their families. These men said that they would do this and they were put to the test. They paid \$40,328.81 directly to the probation officers for this purpose, an increase of 60 per cent. over the year 1909. This amount does not include money paid by order of the court directly to the dependent families by the probationers.

A large number of men were convicted of other crimes. The court desired to impose a fine in these cases, but the defendants were unable to pay. They said that if given time they would pay, and the court put them to the test. The sum of \$25,379.89 was received from such persons during the year 1910, an increase of 50 per cent. over the year 1909.

Some persons were brought into our courts for stealing, and the court has placed certain of these people on probation on condition that they should make full restitution for the property taken. They promised to do so, and the court put them to the test. Such persons paid \$7,641.42 to the probation officers.

It would be a source of regret if we thought that this statement of the work by which we have endeavored to test the character of our probationers was taken as an indication that the probation office was a sort of collection agency. Nothing is further from the truth. For the purposes stated, and a few others, the probation service of Massachusetts received for the use of the community in 1910 the sum of \$75,450.81, and partly in this way the real character of those on probation was tested.

For nearly eleven years I was engaged in supervising and aid-

ing probationers, and yet with that experience I find it difficult to lay down a rule of action in such cases.

I have already spoken of probation as a test of character and pointed to some things accomplished in that direction; but, after all, the supreme test of character is the behavior of the probationer, as shown by his effort to lead a better life.

Unfortunately the general public knows very little of the great social side of our court work. At the same time they are looking for opportunities to help, and we have only to explain our mission in order to enlist the sympathy and co-operation of all right-minded citizens.

The sub-topics for the subject under discussion are so admirably arranged that I am going to take them up in order.

How often should a probation officer interview those on probation? As well ask a physician how often he should see his patients. As often as circumstances require in each particular case, and these circumstances and the necessity for these interviews must be left to the good judgment and discretion of the probation officer, except as they may appear at the original hearing in court when the justice presiding may very properly determine this question. The attitude of the probation officer toward his charge is the main thing to be considered. The probation officer should keep himself informed of the conduct and surroundings of those placed on probation under his supervision; he should win the confidence of his probationers if possible; should impress upon them the fact that his purpose is not to watch but to watch over them and to aid them to help themselves. He should learn and seek to remove the causes of their temptations, should aid them and encourage them by friendly advice and admonition, and take an active interest in reclaiming them from evil courses. In most cases it will be necessary to frequently interview the person on probation, especially at the beginning of the work, in order to assume the proper attitude and accomplish the desired results. In many cases it will be necessary to see your charge at least once a week, and I have had cases where it was absolutely necessary to see them for a time nearly every day.

Little Johnnie was convicted in a Massachusetts court, on the testimony of his teacher, of being an incorrigible boy and was

sentenced to the reform school. His parents took an appeal from that sentence and the case was brought into the Superior Court. The teacher was ill and consequently there could be no trial. It was finally arranged that the boy plead guilty and be placed on probation. The superintendent of schools was loath to allow him to return to the schools, but inasmuch as the law provided that every child should attend school it was arranged that Johnnie should go to another school. There he proved to be one of the most tractable, well-behaved boys in that school. Was he incorrigible or was some part of the trouble with the first teacher who declared him incorrigible, for the reason that by her method his conduct could not be improved?

I have sometimes said that it seems impertinent for any human being to decide that any other normal human being is incorrigible. Better to admit in all humility that you are unable to improve an undesirable condition, and let some other, with a greater hold, take up the work for the improvement of the so-called incorrigible.

For how long should persons usually be kept on probation? Opinions differ on this subject. It is of necessity a question for the court to settle in every case, still it is my experience that it is the wisest course to have a fixed term for the ordinary cases, and have the court vary the term in special cases. In Massachusetts the term in the Superior Court, where the more serious offences are heard, is two years. In the police, municipal and district courts a term of one year has been recommended, but the average term is about six months.

Is it desirable to have probationers report at a stated time and place in groups? There are many objections to this manner of reporting. First, ordinary people judge themselves in the comparative way; while many offenders admit their own short-comings they are quick to decide that the other fellow is even worse than they. The gathering of such people in groups, even for the laudable purpose of reporting, is dangerous. Association with improper persons is the cause for the commission of many crimes. The effort should be to keep them apart. And then again we return to the first question and ask ourselves how much influence any officer can have upon fifty or a hundred people, reporting in groups, many of whom are intent on hiding the truth about themselves.

Where at all practicable, the probation officer should visit the home where more information may be gathered in one visit than could possibly come from a dozen meetings in groups. The unit of probation may change from the person on probation to some other member of the household. Indeed, it may be found that the person on probation is a victim of circumstances over which he has little control, and consequently the efforts of the probation officer may be profitably extended to the other inmates of the home circle.

The vital element of probation work should never be overlooked, namely, the intelligent, personal influence of the probation officer on the probationer, improving his environment and making the probation officer the greatest welfare worker in the community.

What factors are usually most effective in winning the confidence and friendship of probationers? The first duty of a probation officer is to study and try to understand the different agencies working for the common good in the community where he is located, the literary club, the temperance society, settlement houses, church organizations, and any others whose services he can enlist in his work. A recent investigation in Boston brought out the fact that there were over twelve hundred organizations working for the common good.

Then let the probation officer study his cases and determine just which of those organizations can be used for his purpose. There is an indescribable something that convinces us of the loyalty and interest of our friends. While you may not be able to define that something, bring it into your work and make your probationer feel as you feel toward your friend. Your knowledge of the conditions and of the agencies best fitted to do the work that you have in mind will finally convince your probationer that he has found the thing that may have been absent from his life — a good and faithful friend. The gospel of friendship and good fellowship is the one I preach, and to my mind is the greatest factor in winning the confidence of probationers.

Should a probation officer visit probationers at their place of employment? As a rule, very emphatically, no. Your visit to the place of employment of your charge is bound to be embarrassing, and your business is to help and not to retard. My answer assumes that more than one employee is at work in the place, other-

wise your relations with the employer and probationer may be such that a little conference might be beneficial.

This leads to that other question of finding employment for probationers. A probation officer should be above deceit and should never be found guilty of it while dealing with those under his charge. The acquaintance of the probation officer should include those firms that employ numbers of men and women, and arrangement can be made in many places whereby an understanding may be had with such firms, and a certain number of probationers may be placed in those establishments. Judge Baker, of the Boston juvenile court, has lately delivered an address, which we trust may lead to this arrangement with certain members of the Boston Chamber of Commerce.

I have said that probation officers should be above deceit, but perhaps there should be this qualification. A physician does not always feel called upon to explain his treatment and his reasons for it to his patients.

Sixteen years' experience as a worker amongst the poor taught me that dependency is a great question. Self-reliance is one of the lessons to be taught by the probation officer. Therefore, while we do everything to assist our probationer in the struggle that he is making to fit himself into society, let us, if possible, inculcate the idea that: "God helps those who help themselves." While we arrange with employers to try our men, let the effort be to have our probationers still think that they succeed mostly, if not entirely, through their own endeavors.

How can a probation officer improve the home conditions of children on probation? Suppose that we cut off the last two words of this question, "on probation," leaving the question: "How can a probation officer improve the home conditions of children?" Would not our answer come quickly and would it not be by supplying those elements that are now missing and that make for better home conditions? It is often necessary to change the entire environment of the home in order to improve the conditions. It may be desirable to have the family removed to some other neighborhood to avoid the contaminating influence of other children, for we should never forget that we are not always dealing directly with the worst children in the neighborhood. It is barely

possible by our present system to have the least guilty brought before the court, while the other fellow goes free. There are a thousand avenues leading to better home conditions, and the success of the probation officer in finding the best way, and his success in leading the probationer in that direction, will depend in a great measure upon the sympathetic, friendly relationship which he has been able to establish in that home.

In the discussion of the means by which a probation officer shall improve the home conditions of children on probation I have intentionally omitted the religious influence which should always be brought to bear in this work. If our Christianity counts for anything, and who will deny that it does, then we should make use of organized Christianity in this very important work. A probation officer, regardless of his own religious belief, should enlist the co-operation of the religious influences that ought to surround any particular case and be broad and good enough to recognize and respect the religious belief of his charge. Speaking from my own experience I want to say that I have never met a Protestant minister, a Catholic priest or a Jewish rabbi who would not co-operate in this work if properly approached.

Preliminary investigation is a very important element in probation work. The proper record of such investigation; firm, prompt attention to violations of the probationary terms — all should receive the constant study of the careful probation officer, but supervision, “looking after and properly aiding the probationer,” is the keystone of the arch, without which all our labor will be lost.

Discussion opened by the Very Rev. Dr. White, Supervisor of Catholic Charities of Brooklyn: A few months ago I was one of a committee that called on Mayor Gaynor on the question of probation. He spoke of the attitude that those engaged in the work ought to have to the work itself, and he used in that connection the word vocation; that the probation officer ought to have a vocation for the work. Unless you have a vocation then probation is going to be a failure. You have got to feel the responsibility of your position if you are going to get on in this work. If you are looking forward to the thirtieth of the month when you get your check, then you are going to be a failure, and probation is

going to be a failure. I would impress it upon you to realize the responsibility placed upon you, and the high vocation that is yours. Put away from you the thought of being a city official who is working for pay.

As you get into the work, there is another real temptation that you have got to fight against. That is the temptation to keep in the newspapers all the time. Of course your work will naturally be known and must be known. It is in a certain sense public, and it is legitimate work for the newspapers to report. I am not speaking of that, but I am criticizing rather the course that we sometimes see, of getting into the public press constantly, and of being the principal probation officer of all the probation officers in the city. I simply warn you that you are simply part of the system, and can do splendid work, and yet not get more than your share of the newspaper notice.

What is to be your attitude towards those put on probation with you? Why have they been put on probation — these men, women, and children? What is the reason? There is some abnormality in the family that brings them to the court. That abnormality comes not from lack of knowledge, but from a lack of will power. It isn't because of the ignorance of the father or mother of the child, but it is lack of will power. As a physician you have got to direct your efforts towards curing that defect. You have got to check up that will power. You have got to bring your will to bear upon the will of these persons on probation.

That means that you have always got to be firm. If you have a maudlin sympathy you will be a failure. If you are dealing with men, and a man has been brought to the plight in which he is through drink, you have got to see that he stops drinking. There has got to be no half-way work about it. If he is going to do what is right, he has got to keep away from those places and you have got to insist upon it. You must be firm.

A visit to the house will reveal conditions that were not brought out at the hearing in the court; will perhaps reveal to you some other person who ought to be placed on probation. The man may be guilty of desertion and non-support, but home conditions may not be at all ideal, and by directing your attention to the wife or mother and by offering suggestions to her, you may be able to bring about the proper condition.

You have got to know the various agencies that are at work. After all you are only a temporary agency. You are not going to come permanently into a man's life. This is an abnormality that we hope will pass away, and you simply come in and go out again; but there are agencies that are constantly at work and you must get acquainted with those agencies in order that you may be successful, and that when your influence ceases, these agencies may go on influencing his life. Remember, of course, his church affiliations. This is true of men and women. It is particularly true of children. Many of the probation officers in the pursuit of their work have called upon me to interest me in cases in my parish; and the same is true of the other parishes. You know the power and influence of religion upon the average man's life. The reason he has come to you is because he has been in the Orient; he has lost his bearing. If he gets his bearings, then it will be easy for him to get his bearings towards his family.

With regard to getting work, I don't think that the average probation officer can become an employment bureau; but you can make yourself acquainted in some cases with firms who will employ men, and you may be able from time to time to get jobs for those who are put on probation. Self-reliance ought to be taught them. It may be necessary sometimes for you to be a loan agent and advance them money, and as you cannot be expected to draw upon your own funds you ought to get into relation with some of the charitable organizations upon which you may call when you need help. As this probation movement grows points of contact will be established between probation officers and the various charitable organizations,—the Bureau of Charities, the Saint Vincent de Paul Society, and the corresponding organizations representing Jewish activities; and probation officers will be enabled to help their probationers.

With regard to children, you ought to see, of course, that the child goes to school, or if he is a working boy, that he goes to work regularly. Insist upon it that the record of attendance be made a good deal of. No change ought to be made in the life of a child, and no change made from one school to another, without the probation officer being informed about it. The cause of the

delinquency sometimes is lack of will power in the mother. It may come from sickness or because she is cast down, or because of economic conditions. Whatever it is, oftentimes the children get away from the influence of the mother, and she has no power over them. You have got to go in there with your will power.

MANHATTAN, APRIL 28.

Mr. Mulready: (The address delivered at this Conference on "How to Look After and Aid Probationers," was in substance similar to that delivered at the conference in Brooklyn, which is reported above.)

(**Mr. Burritt, Secretary of the Committee on Criminal Courts:** Mr Burritt's address was extemporaneous, and unfortunately no stenographer was present to report it.)

AIDS TO EFFICIENCY.

Brooklyn, May 4.

Mr. Towne, Secretary of the State Probation Commission: There are two ways of looking upon probation work. In the first place, we may regard it as a common-sense way of trying to help unfortunates in need of help, and we say that any person with a kind heart, strength of character, and good judgment, can do probation work. In the second place, we may look at probation work as requiring also special knowledge and skill and the application of certain approved methods. That is, we may consider probation as a practical art, just as medicine is such an art.

Now, I am aware that any remark tending to suggest that probation work be systematized, evokes at once the counter statement that this is impossible because no two cases coming before a probation officer for investigation or supervision present exactly the same problems. It is impossible, it will be claimed, to carry on probation work by any mechanical routine or any rule of thumb. Of this fact I am very glad. But this very fact is equally true of medicine, for in that field there are all manner of idiosyncrasies among the patients, and as a result wide varia-

tions in their symptoms and treatment. The practice of medicine is nevertheless an art. It is just this wide variation that calls for special knowledge and skill in the physician, and equally so in the probation officers. The probation officer must be able by comparison to distinguish wherein one probationer differs from another, and must be resourceful in adapting the treatment to the particular needs of each one.

We sometimes meet persons whom we recognize as admirably fitted for doing effective probation work; they are endowed with just the right balance of tact, judgment, earnestness, and powers of persuasion. It is manifestly impossible for any person to carry on probation work successfully unless he or she possesses a minimum of the right temperamental qualifications and of native abilities. This does not discount from the fact, however, that it is possible and desirable for all probation officers, whether good, bad or indifferent, to do all in their power to increase their range of information on the subject, and their skill and proficiency. The musician or artist, whether born or made, must study and practice. Likewise, the probation officer should utilize every opportunity to acquire a greater mastery of the delicate and highly responsible art of probation.

The royal road to efficiency is study and practice. Study, first, the people you are dealing with; and secondly, yourself. Constantly challenge yourself by asking whether you are performing your duties in the best way possible. Acquire the habit of analyzing your methods as you go along, and of improving them here a little and there a little. It is so easy for us to do things as we always have done them. The only preventive of falling into ruts is through being ever on the alert. Refresh yourselves from time to time concerning the probation laws. Inquire into the methods used by penal and reformatory institutions. Learn to know the agencies — charitable, social, educational, recreational, and religious — in the city. Attend conferences; read about wayward children, the defective classes, the treatment of drunkards, and as many other subjects as possible. These things will add to your equipment and increase your efficiency. The main thing, however, is to strive constantly to grow more and more efficient and effective.

Applying these principles to the investigation of cases, probation officers should be eternally anxious to know all the facts about the defendant being investigated, and to unearth the real causes of the delinquency. The most frequent failures in investigating work probably come, first, from the lack of imagination in instituting lines of inquiry; and, second, from lack of persistence in following up inquiries after failing to get the desired information in the first place where it was sought. To illustrate this second point, a judge may send a probation officer to make an investigation at a certain address; and the officer not getting the information at that particular place may return to court and report that he could not find the facts. Very likely, however, if the officer had followed up his inquiries by going to other addresses and other sources, he would have secured the facts. This lack of persistence to get the full truth and nothing but the truth, also results in reporting to the court not the actual facts, but only hearsay.

With regard to the supervision and aid of probationers, each of us stands in need of this same sort of challenging of our methods, and self-improvement.

What has been said concerning the quality of our work applies equally to the quantitative side. Some probation officers have more than a hundred probationers under their care, while others have only one or two cases. Some make large numbers of investigations, while others make very few. I fully recognize that these matters are in large measure beyond the control of the individual probation officer, for his or her volume of work is contingent upon the cases assigned by the judges. I recognize also that the statistical reports made to the State Probation Commission are far from indicating the actual amount of work done by a probation officer. But the point I wish to make is that every probation officer should endeavor to do not only proficient work, but also as much of it as possible in a given space of time.

This means, among other things, that probation officers should not waste time through unnecessary attendance at court. While probation officers must be in court and are not otherwise engaged they can often utilize their spare moments advantageously in telephoning and writing reports and letters. I have known pro-

bation officers who say they have no time to keep proper records, who, as a matter of fact, during most of the day do little else than sit about the court room.

Time can be economized also through the use of modern business methods. Why walk or ride a mile if you can get the information you are after by the use of the telephone or a two-cent stamp. At present, much time is lost through the fact that probation officers have to write their letters, records and reports long-hand. I trust the time may come when the probation officers in New York city will have stenographers at their service, as is the case in many courts elsewhere. When we go out on a visit or an investigation, it pays to plan in advance just what places it is most important for us to go to, and in what order we should make our calls. How many times after returning from an investigation or visit to the probationer do we say to ourselves, "Now, there was John Smith or Mary Jones whom I might have visited while I was on that street!"

This suggests the desirability of forming the memorandum habit. How often do we forget what we were to do when we might have remembered to do it had we preserved a note or memorandum while the matter was fresh in our mind.

Another help for probation officers is in the proper use of forms for keeping their records and making their reports. This is something that can be over-done; some people are too methodical and systematic; they spend all their time on details and never accomplish practical results. A busy probation officer doesn't have time to waste on records, but in the end it is economy of time and an aid to efficiency to keep proper records. One reason why records should be kept and reports should be made is that the law requires it.

The keeping of records is something that has been found by business houses, railroad companies, hospitals and all sorts of institutions and societies, as well as by physicians, nurses and social workers, to be essential for both present and future reference. The keeping of records enables us to make a permanent register of facts which we would otherwise forget. If later we want those facts and have no records, we have to take time to go out and hunt them up; so in the long run the

keeping of records is a time-saver. It saves time also because it affords a convenient way of getting at the facts when we want them. When we have records filed in a systematic, orderly way, we don't have to hunt all around. Records are a protection to the probation officer. If, at some future time, dispute arises as to what the probation officer did in a case, what the probationer did or what orders the judge gave, your records are there to substantiate the facts. Records are also of value to judges, other probation officers, and other persons, who may need your assistance in a case, or who may have good reasons for inquiring into your work. If you want information about a man who has been to the municipal lodging house or to the Joint Application Bureau, you are more likely to get just the facts you want from the records there than if you ask the superintendent to tell you about the case from memory.

One of the first things that the State Probation Commission did after its organization was to prepare forms on which probation officers could keep records and make reports. Before they were prepared, probation officers in most parts of the State had absolutely no records and made no reports. The forms we prepared have been used by probation officers in a large number of places, but they were experimental and haven't been adapted to the needs of every court. We are therefore now revising them.

In making reports and records in longhand, it is well to acquire the style of writing known as round hand, a sort of vertical writing. That is usually easier for the average person to read than the slant hand. Some of us in our hurried style of writing, write in such a fashion that others cannot always read it. If they can be typewritten, so much the better.

One thing we should be extremely careful about in our reports is to see that we get them absolutely correct. It is well to read over our records, to see they are all right, because they may be handed down for years to come. Accuracy is especially desirable in spelling names and in giving dates. So often we put down the date of the month, but fail to give the year. A year or two afterwards, when someone else reads the records or report, he or she may be at a loss to tell what year it was.

There are certain records and reports which are especially

important. One of the most important is the report on preliminary investigations. The law says these reports shall be in writing. One reason for prescribing that these reports shall be in writing is that they are more likely to be accurate if in writing. Another reason is at some future time you may want to refer to that investigation. The same defendant may be arrested again in a year from now, and you will want to know what was found in the first investigation. Unless it is in writing, you may have to make the investigation all over again. A person investigated by one probation officer might come up later before a probation officer in another court, and a written report of your investigation might be of great help to that other probation officer. In writing out the reports of the investigation, it is very important that the probation officer give the sources from which he gets his information.

Another important record which the law requires is the statement of the conditions of probation. If the judge wishes the probationer to abstain from drinking alcoholic drinks, or to do some special thing, you have more hold on the probationer if that statement is given to the probationer in writing. It is also important for the probation officer to explain to the probationer just what the probation means.

A third important record, is the case history. The entries are to be made in diary or journal fashion. It is the chronological history of the case from day to day. If at some future time you or the judge want to know about the probationer, here you have all the pertinent facts. The blank can be folded and put in one's pocket or bag, and taken, if you like, to the home when you go there.

Another important report which the law prescribes is the monthly report to the court or judge concerning the probationer. Perhaps the magistrate may not at first look at the report, but if you send the report to the magistrate, even after he has rotated and gone to another court, it may do some good in that it will let the magistrate know that you are obeying the law; that you are looking after the case; that you are interested; that this probation is something serious. He will probably be more inclined to put persons on probation, and to take a greater interest in the system.

It is helpful to keep all records and data concerning each probationer in a separate envelope or folder. There are little manila folders that the State Probation Commission provides for this purpose, free on application. You can keep them filed either alphabetically or numerically in a box, tray, drawer, or filing cabinet. If you have a letter from the probationer, put the letter in the proper folder. If there is something in the newspaper, drop that in. If you get a letter from the wife or pastor, put that in too. Keep all your records and papers on the case in that one place, and when you go before the judge just take that folder along and the judge can see everything. If two or three years hence the probationer is again brought before the court, you have all this material right there.

Each chief probation officer in the city now has a card index of probationers in his court. Mr. McKay has a bureau of records of all persons on probation in the Magistrates' Court in the First Division. Mr. McKinny has established a similar bureau of records in Brooklyn, and Mr. Graveur had a bureau of records for the Special Sessions in Manhattan. I presume that the new chief probation officer in the Special Sessions will have such a bureau in which there will be records of all persons investigated or placed on probation in the adult parts of the Special Sessions Court, as well as another bureau for the Children's Courts. It will be increasingly helpful for probation officers to develop the practice of telephoning to these bureaus to inquire whether there is any record on hand of this or that person.

MANHATTAN, MAY 5.

Mr. Towne: (The address delivered at this Conference was in substance similar to the one delivered by him at the Conference in Brooklyn on May 4, which is reported above.)

Discussion opened by Miss Doty, Secretary of the Committee on Children's Courts of the Child's Welfare Exhibit: I went down to the Children's Court and Judge Olmsted was on the bench. He was hearing a case of a small boy who had been throwing stones. The judge talked to this boy a while, and then dismissed him. I thought it would be interesting to find out about that small boy.

I found that it was the fifth time that boy had been arrested. His oldest brother had been arrested three times, his next brother five times. His mother had been arrested twice, once for drunkenness and once for deserting her children. There were fifteen arrests in that family, but Judge Olmsted dismissed the boy. When I presented these facts to Judge Olmsted he was astonished, and decided he would have made a different decision in this case had he known the facts. That gives you, I think, some idea of why you have to have an investigation.

In St. Louis they do splendid work. They have two probation officers to do the investigation work, and no child that is arrested comes up before the judge without a whole history of his case. If the child is arrested at nine o'clock in the morning, he has to wait until the next day, so that the investigating officer can go out and find out about the conditions of the home, and child and his record. Those two investigators do no probation work, but just the investigations. In Denver if you try to look up records, you have a sorry time of it. But as they only average about 30 cases a day, and Judge Lindsey knows the grandfathers and everybody else, it isn't so important. In Chicago, with all its splendid work, on the average case they don't do as well as St. Louis does. They keep track of a child and know if he has been arrested before. They would have facts about every time he had been up, but wouldn't have information about his family unless he had been put on probation. If he had been put on probation the probation officer would have made a very thorough study of the case and would be able to tell the judge all about it.

Chicago is doing wonderful work in a psychopathic clinic. A Polish boy of about thirteen had been arrested three times. Everybody was in despair over him. He had been in a reform school. The probation officer had failed to discover the difficulty. Dr. Healy of the Juvenile Psychopathic Clinic took up the case. He discovered that the father and mother didn't speak English. The boy was going to a Polish school, and they were teaching him history and religion. The boy was perfectly crazy about electricity. He was reading up on electricity. The doctor found that every time the boy had stolen he had stolen electrical appliances, and when he had broken into a place it had always been an electrical

shop. They soon discovered what was the matter with the boy. They put him in a scientific school and he is doing splendid work. That shows you again what you can do. You have got to get to the facts and make a study of the individual.

HOW TO DISCOVER AND DEAL WITH VIOLATIONS OF PROBATIONARY CONDITIONS.

Brooklyn, May 11.

Commissioner Wade of the State Probation Commission: A great deal of emphasis is justly laid on the friendly and sentimental phases of probation. Such methods of treatment are inherent in the fundamental principles of probation which are redemptive and require the healing touch of personal interest, the spiritual stimulus of vital friendship, and the practical demonstration of personal service and material aid. I would not detract one iota from these constructive processes when applied through probation, and regard probation as barren without them.

Many people, some of whom are engaged in probation work, consider these methods as all sufficient, and look upon discipline and severity as inconsistent with its wise application. It is from such viewpoints and resultant treatment that failures generally ensue, and that constitute the greatest danger to the successful working out of the probation system. The fact that probation must necessarily be a disciplinary process should never be ignored.

When the court in its clemency instead of sending a person to prison releases him in society under the oversight of a probation officer, certain restrictions on personal liberty, and penalties known as terms of probation, are imposed. The conditions of release ought to be seriously enforced. In so far as they are made real and effective, the probationer will be disciplined and improved, and kept in the receptive state of mind in which the friendly and sentimental influences can do the most good. If the probationer feels that the terms of probation are ineffectual, that he is practically at liberty, that no honest oversight is maintained, and that his perfunctory reports are accepted by the officer whether they are true or false, he will inevitably view his probation with contempt.

The duties of a probation officer are so varied and so many cases are generally placed under his supervision that unless he systematizes his methods he cannot accomplish the most useful results. By systematizing methods I do not mean routine, but, an analyzing and arranging process. For illustration, two important considerations in approaching every case should be borne in mind; first, an analysis and mastery of the details so that each case will become a vital problem, separate and apart from every other case, where the influences best adapted to its treatment will be discovered and given free play, and second, that the probationer be kept under continuous oversight. These requirements seem formidable, and yet when a case is properly studied, and the data systematically arranged, they should not be difficult to perform.

It is assumed that there has been a preliminary investigation in every case before probation. If the probation officer exercising oversight has made the investigation he is familiar with the environment, character of the offender, and the conditions that contributed to the offense. If he has not made the investigation he should first of all familiarize himself with the conditions surrounding his probationer. From this investigation and from the study of the personality of the probationer a distinct plan of treatment can be developed for each case, adapted to its special needs. Having made a diagnosis and worked out a plan of treatment, the next step should be to arrange methods whereby the probationer will be kept under careful supervision.

Is there any reason why almost as complete an oversight can not be secured under probation as in a reformatory institution? In all cases of adult probation employment should be one of the first requisites, and in juvenile probation, school attendance. It then transpires that the probationer is necessarily at home and in school or at work from sixteen to twenty hours out of the twenty-four. The few hours of leisure are invariably spent within a limited area in which the probation officer can readily ascertain the whereabouts and movements of the probationer.

A probation officer should visit the home of the probationer weekly and learn from the family and neighbors the actual conduct of his charge. He should get in contact with fellow workmen, or the school authorities, and the clergy so that he can be informed

in regard to the steadiness of employment, school attendance and church relations, and should frequently communicate with the places where the probationer resorts during his leisure. Regular visits and communications of this kind, which can be reduced to a minimum of effort by a good system, will give accurate knowledge of the conduct of the probationer, and of his observance of the terms of probation, and keep his reports under constant check.

If the number of probationers assigned to a probation officer make a weekly investigation impossible, it ought not to be allowed to go longer than two weeks, even if it requires the sacrifice of all the officer's leisure. No probation officer can be satisfied that he has any reliable knowledge of his probationer if he permits the investigating checks to get behind more than two weeks.

We, who study these problems from observation at long range and do not come in actual contact with the probationers, are not apt to get the perspective and proportion in regard to the treatment of the cases which you on the field acquire. Desiring to bring you some practical suggestions, because we have good probation work in Erie county and the city of Buffalo, I requested the chief probation officer of Erie county, the chief probation officer in the Children's Court, and the probation officer in the Buffalo Domestic Relations Court, to describe their methods under each of the sub-topics of this discussion.

The county probation officer in regard to checking the truthfulness of reports of probationers, says:

"I have found that in order for the probation officer to be reasonably certain that his probationer has been conducting himself properly and that the reports he makes are truthful, the officer should make a personal visit to the home or place of employment at least weekly. He can consult and perhaps, secure the co-operation of parents, wives, relatives, neighbors, or others whom he might induce to take an interest in the probationer. These visits furnish an opportunity of studying the environment and conditions under which his probationer is situated. By doing constructive work in the home of the probationer he can remove or better the conditions that are dangerous to his welfare. A most striking illustration of this is to have the probationer move into a better neighborhood.

"We have secured the co-operation of people who, either by letter, telephone or person, report to our office concerning the conduct of our probationers. In this way we have established a system of voluntary supervision which we have found most valuable. We have made an arrangement with the superintendent of police whereby we submitted to him a list of our probationers and the precincts in which they live. The superintendent sent these

lists to the different captains of the fourteen precincts throughout the city. The names and addresses of the probationers were given to the specials and officers of each precinct. The officers were instructed that if they observed a probationer in a saloon, or poolroom, or doing anything that was undesirable, they should approach and admonish him in a friendly way. If the violation was of a serious nature, they should notify the captain who would immediately notify our office. Care is taken that this supervision shall not result in the 'hounding' of the probationer, but will merely be a friendly one. This was brought about by the superintendent who issued an order that no probationer should be arrested, except for another crime, without first consulting our office. We realize that there are dangers in this system, but an alert and careful handling of it will minimize these possibilities.

"In most of our abandonment cases we have requested the Charity Organization Society to furnish a friendly visitor. The Society has done so and this has proved of inestimable value to our work. Employers notify us in the event that a probationer does not report for work or his conduct at work is unsatisfactory. This arrangement must be handled with a great deal of tact and discretion and in many cases cannot be utilized at all. Other outside agencies, that we have had interest themselves in our probationers have furnished the office with reliable information. Night school teachers have reported to us on the non-attendance and application of men who were attending school; Bible class teachers have informed us concerning probationers; the Y. M. C. A. departments have also co-operated in this respect. We have secured the co-operation of the priest or minister, and have found their influence most helpful. This supervision is extremely valuable in Polish cases as we have found by actual experience that the average Pole has a far greater respect for his priest than he has for the law."

The probation officer in the Children's Court says:

"Each child placed on probation is made to report weekly to the probation officer. If attending school he is made to bring a signed report from his teacher, showing attendance, conduct, and application. He is also made to bring a report from his parents. If employed he is only made to bring the parent's report.

"It is seldom that a boy alters a report from his parents, but frequently parents will give a child a good report, when they ought to have made it otherwise. A parent will fill out the home report to the effect that the boy behaves well at home, when he does not; that he is not with bad company or bad places, when he is; that he spends his evenings at home reading, when he is out until late; that he was absent from school because he was sick; that he is working, when he is not.

"The only way to discover that a parent is not truthful in filling out the home report, is to talk with neighbors, call at the boy's home at 10 o'clock in the evening, only to find him still on the street; go to the place of business where the parent claimed he was working, only to find he was never employed there. In such cases a severe reprimand from the probation officer will usually right matters. In some cases I have found it necessary to bring a parent into court for continuing to make out false reports.

"When I discover that a boy is not truthful I watch him very closely, verify every statement he makes to me, and upon the second offense usually return him to court for violating his probation. I have, in some cases, given a boy two or three chances before returning him to court.."

The probation officer in the Domestic Relations Court says:

"I make frequent visits to the homes of the probationers, and also seek information from the neighbors, especially in the cases where the wives are afraid to report on their husbands. One of the last moves is to visit a man's place of employment, and, in some cases it becomes necessary to do so. The visits to the homes are made at unexpected times."

The probation officer who ignores bad conduct on the part of the probationer is useless, is bringing discredit on the probation system, and should be summarily dismissed. He is breeding a contempt for probation in the public mind and is affording just grounds for hostile criticisms, all of which react on the court where the ultimate responsibility must rest.

Immediate correction of all violations of terms of probation is essential to good probation work. This does not mean that the probation be cancelled or even that the probationer be returned to the court. Most admonitions and corrections can be attended to by the probation officers.

If an adult is drinking to excess the probation officer should not stop with advice and threats of punishment. He should have a record of the saloons frequented by the probationer, and try to induce them not to sell liquor to the man. If practicable the probation officer might also consider having some member of the probationer's family post the probationer in the different saloons, as provided in the Excise Law. If this does not succeed then the probation officer, acting under a court order, should require the probationer to turn over his salary to the wife or family. If the probationer is idle the probation officer should find employment for him, and every properly conducted probation office should have an employment bureau. If the trouble is due to bad associations, the probation officer should break up such associations. If a child is doing bad work in school the teachers should be requested to exercise more pains and to interest themselves more with the delinquent.

Many probationers are the products of bad environment, faulty social conditions, and misfortune. They are prejudiced against

society, are obsessed with the idea that every one is against them, and their mental and moral perspective is distorted by real or fancied wrongs. It is a splendid achievement to get under the cuticle of prejudice and indifference and grip the real man, or boy, or woman, or girl and open up new ideas and ambitions. The probation officer who is satisfied with personal reports and formal investigations is neglectful of the splendid opportunities of relighting the fires in the smouldering embers of many a life, and opening up viewpoints of happiness and usefulness to many eyes blinded by bad environment, vicious associations, wrongs or failures.

On the proposition of ignoring the bad conduct of probationers the Erie county probation officer says:

"The dangers are many and should be constantly guarded against. To my mind it is important and desirable that a probationer be promptly returned to court where he shows a disregard for the terms of his release and an unwillingness to do what is right."

The probation officer in the Children's Court says:

"The effects of ignoring bad conduct on the part of a juvenile probationer are many. If attending school and his conduct is bad in the class room, it means that he is not making headway with his studies. I will not permit a boy to bring me a report from his teacher showing poor conduct. If his conduct is worse than fair for a period of one month, I return that boy to court. In such cases the judge talks with the lad, gives him another chance, and usually he behaves himself in the future. However, I have had cases where it was necessary to commit boys for bad conduct."

The probation officer in the Domestic Relations Court says:

"Laxity on the part of the probation officer, may cause a great deal of harm. When bad conduct is ignored, it invariably tends to make the probationer think he can repeat the offense. The true spirit of probation, is, of course, to help the probationer, but the disciplinary methods must also be kept in sight, as a probation officer is dealing with offenders of the law, and in many cases, the fear of being returned to court is the mainspring by which the probationer is guided. If the bad conduct is not of an aggravated nature, a warning, or a heart to heart talk, may be sufficient to take care of the matter. If it be a gross violation it is sometimes better to return the probationer to court. If bad conduct is ignored, it will, in most cases, breed contempt for the probation system. Of course, this does not apply to petty complaints, as some complaints entered by the wives are frivolous; and were the probationer to be taxed with them he would think he was being persecuted."

The report of a probationer at least once a week is a necessary disciplinary requirement of every case of probation. No matter

how satisfied the probation officer may be with the good conduct of his charge, unless he exacts the penalty of regular visits to the probation office the probationer is likely to disregard the seriousness of probation. The weekly reports, and sometimes oftener in unruly cases, impress upon the probationer that he is not at liberty, but under supervision. It is the string that binds the probationer to the representative of the court which has conditionally released him, and if he is permitted to disregard or break it his probation becomes a farce.

When a probationer fails to report, the quicker he is apprehended the more effective is the impression. The next morning if possible the probation officer should be after him and discover the cause of the neglect. If the probationer has no sufficient excuse, a severe reprimand and an increased number of reports should be imposed. Prompt attention on the part of the probation officer to the violations of the terms of release is an object lesson to the probationer of the discipline of the system.

If the failure to report is caused by drunkenness, the sooner the probationer is reached the better results will be secured in his correction. If it is due to carelessness or defiance, some other disciplinary penalties should be imposed. In the case of a child, if the neglect to appear was the fault of the parents they should be admonished and possibly brought into court. The requirement of reporting is one of the few points of prescribed discipline provided by the probation system, and its disregard will tend to destroy the effectiveness of the other phases of the work.

On this sub-topic the Erie county probation officer says:

"In general our probationers are assigned to report weekly. The more refractory ones, however, are obliged to report twice and three times a week. The first thing impressed upon our probationers is that they must report promptly as directed by our office. We inform them that their failure to report will result in their immediate return to the court. We place our telephone numbers on the back of the probation card and instruct the probationers that in case they are sick, or working overtime, or if they have some good legitimate reason for not reporting, they should telephone our office and inform us of the circumstances. If they are unable to do this we impress upon them that they should communicate with our office by letter or postal card or that they should report to the office on the following morning. A thorough and emphatic explanation of these matters, and impressing upon the probationer the stringent necessity of his reporting promptly, will preclude and certainly minimize trouble upon this score. However, if despite

these thorough instructions a man fails to report on the night designated I immediately send one of my assistants to his home or place of employment on the following morning to ascertain the cause of his failure. If my assistant determines that the man has a good excuse for not reporting he merely orders him to report to the office that evening, or as soon thereafter as possible, or leaves a note with the wife or parents to that effect. If, however, the probationer is defiant or has failed to report through drunkenness or some other delinquency, my assistant is instructed to bring the man to the office for further consultation. Prompt attention and the serious regard that we give to the matter, makes the probationer realize that he must conform to this discipline of the system. We firmly inform him that he must report as directed, or otherwise, he will not remain on probation very long. If after making reasonable inquiries to locate the delinquent probationer we are unsuccessful we immediately turn the matter over to the police with instructions to apprehend him and notify our office. When a fairly good type of probationer fails to report or on occasions when we are extremely busy a letter is sent to the probationer demanding that he report to the office immediately. While we are always willing to excuse a probationer from reporting for a proper reason and while we strive at all times not to unduly inconvenience the man, or to make the reporting an unnecessary hardship (through the man coming a long distance, perhaps having to walk), nevertheless we regard personal reports to the office as necessary, valuable and disciplinary."

The proposition is continually presenting itself to probation officers as to when and how violations of probationary conditions should be reported to the court. The judge is too busy with large problems to be bothered with details and minor infractions. Behind the probation officer stands the court and if he possesses a strong personality, almost as much can be accomplished through his admonitions and corrections as through those of the judge. Only such cases should be brought to court in which the cancellation of the terms of probation are to be recommended, or where the officer is convinced that his influence and control are exhausted. In juvenile cases and in cases in the Domestic Relations Court, however, it may be necessary to bring probationers more often to court. The report to the court should be written and include a history of the conduct of the offender during probation and be made a permanent record in the case.

On this sub-topic the Erie county probation officer says:

"Unless the violation was a very flagrant one or unless we believed the probationer demanded stern admonition from the court or that the judge would make a more forceful impression upon him than we could, we have not taken up the court's time with the matter. As a general proposition

we only use the court as a last resort. We seldom bring a man into court for violation of his probationary conditions unless we have made up our minds that he should be committed or that further probation would be futile.

"Every violation of probation that comes to our attention is investigated most carefully. We secure the probationer and others interested in the matter and go over the situation very thoroughly. If the probationer is given another chance he is impressed that we are going to give him one more last chance, and making the probationer understand it as such often meets him in a psychological moment when he has determined to do better if given the opportunity.

"In abandonment cases we are continually giving men another chance not so much for the defendants' sake, but in consideration of the futility of imprisoning a man for an offense of this character, and the great advisability of having them working and supporting their families.

"When we return a man to the court for violation of his probationary conditions we submit a written report of the man's conduct since he has been on probation. We tell the court what we have done for the man and how he has responded to probationary treatment; we take up in detail the specific violation and close our report with the recommendation of what we believe ought to be done. In this way not only the violation but the whole case is carefully thought out and presented to the court in written form. The probationer is questioned by the court concerning the matter and is given an opportunity to defend himself."

The probation officer in the Children's Court says:

"We make a notation of every violation on the part of the probationer on the latter's record, and when we find that the probationer is not taking probation very seriously, and continues to violate his probation, we report the matter to the court. All reports to the judge are in writing."

The probation officer in the Domestic Relations Court says:

"Violations are reported to the court when they are aggravated or repeated. Minor violations are dealt with by the officer. The violation is reported to the court immediately upon the completion of the officer's investigation of the complaint. The report is brief, concise, and in writing."

Whenever a probationer absconds the probation officer should exhaust every effort to recover him, should enlist the services of the police department, and hold the man on his list until he is satisfied that it is useless to continue further search.

The Erie county probation officer says of his methods:

"After our probationer absconds we secure a warrant for his arrest and place it in the hands of the police. At the same time we give them every bit of information that we have concerning the man. From time to time we

make inquiries concerning the absconder and notify his wife, parents or others, that in case he returns to the city to communicate the fact at once to the police or to our office. If we receive any clue as to his whereabouts we immediately strive to run it down. It has been our policy to have in our office what we term a delinquent list. When a man absconds we place his name on this list. From time to time this list is gone over and we make renewed efforts to locate him. We either send another letter to the police or we telephone, visit or write other persons who might possibly possess some information.

"We have apprehended probationers a year and a half after they have absconded and have had them committed. As a general proposition we have found that a man who absconds will inevitably return to the city sometime, and I believe it highly desirable that the officer keep track of him indefinitely. If a man can be placed on probation, and then abscond, and go to another locality, or be arrested and placed on probation in some other court, his original arrest not being known, or in any way violate the terms of his release with impunity, the probation system has not reached the efficiency that it should."

The probation officer in the Children's Court says:

"When a probationer absconds I make every effort to locate him. If I fail I carry the case along until after the lad has passed the age of 16, and is out of the jurisdiction of the court. I then ask the court to mark the case as 'Absconded and lost from oversight.' As soon as I discover that a boy has absconded I report the matter to the court."

The probation officer in the Domestic Relations Court says:

"As long as there appears to be any chance of securing the arrest of the probationer, he is carried upon my list. Before requesting the court to mark a probationer 'Lost from oversight,' I use every means to cause his arrest."

It is easy to give advice and prescribe methods, but actual experience creates many modifications. With this thought in mind I requested the probation officers to give me the facts in a number of their cases illustrating the topics under discussion.

CASE A.

A man was placed on probation for burglary and larceny. He took the pledge to refrain from intoxicating liquors for a year. He observed his pledge until about Christmas time he started drinking. While intoxicated he entered the room of a fellow-boarder, and took wearing apparel to the value of about \$18. The boarder complained to the probation officer and wanted to procure

a warrant for his arrest. The probation officer persuaded him not to do so and a few nights later he apprehended the probationer and brought him to the office. He was given another chance on condition that he would pay back the value of the stolen property. A position was secured for him and he immediately began on his installments of restitution. Over a year is passed and he is still working regularly at the same place. He has paid back in full the value of the stolen property. He has become an entirely changed man in his appearance. He was a character more weak than vicious, and under repressive and severe treatment would have degenerated into a vagrant. Giving him the chance, combined with the extra probationary supervision, resulted in his redemption.

CASE B.

Although a young man, convicted of burglary, had a previous bad record, he was placed on probation. The probation officer secured for him a position and he worked at it for six months. He was then laid off. Instead of reporting that matter to the probation office immediately, he loafed around the streets and got in with a bad gang. A few days later he was arrested with two other young men on a charge of petit larceny for stealing from railroad cars. He was brought before the court and the probation officer persuaded the court to give him another chance. The probation officer secured him another position where he had an opportunity to learn a trade. That was about a year and a half ago. To-day he is working at the same place well advanced in his trade and earns good wages. He contributes the greater portion of his salary to the support of his mother. He reports regularly and was induced to attend night school and is doing exceptionally well.

CASE C.

A man convicted of burglary was placed on probation. The probation officer found employment for him, where he could earn \$2.25 a day. He worked there for seven months giving his money home. His wife and child frequently accompanied him when he reported to the office and the wife was always happy. One pay night instead of going promptly home as was his custom

he was induced by several companions to enter a saloon. He became intoxicated and did not come home for two succeeding nights. A few days later while intoxicated he took an overcoat valued at \$30 from a saloon where he had been drinking. He was arrested for grand larceny and was indicted. While the husband was in jail the wife was obliged to give up the children and go out working. The probation officer prevailed upon the district attorney not to prosecute the man. The district attorney consented to allow him to go on \$500 bail and to "pigeon hole" the indictment as long as he behaved himself. The probation officer secured the bondsmen and prevailed upon his former employer to take him again. Almost a year has passed and the man has conducted himself well. His family has become reunited and the best reports are continually coming in on the man.

CASE D.

A boy convicted of stealing grain was placed on probation in the Children's Court. He had a poor home and was a member of a bad gang of car burglars. For six months he reported regularly, went to school every day and was a good boy. He stole grain again and was brought into court. The judge gave him another chance. After five more months' reporting he refused to go to school, claiming the principal was unfriendly to him and would not give him his working papers. An investigation showed that the boy still had twenty-nine school days. He was instructed to return to school and refused. He was returned to the court who gave him another chance on his promise to go to school. The boy went back to school and secured his working papers. The probation officer found him a position and he is now earning \$5 a week and turns the money over to his mother, and is reporting regularly. He has been on probation two years and he is now ready to be discharged.

CASE E.

A boy fifteen years of age convicted of frequenting "sporting houses" was placed on probation. He had working papers but was too lazy to work. His parents were well to do and indulged him. He reported to the probation officer for a few weeks, and when threatened with return to court if he did not work he ran

away from home to Canada. He was gone nine weeks. On his return the probation officer gave him another chance on his promise to go to school. He reported only once. The probation officer went to the house to get him. He jumped out of a back window and ran away. The next day he robbed his mother's house of money, jewelry and a bank book. The probation officer heard that the boy was hanging around a five-cent picture show, and found the manager wearing a diamond stick pin belonging to the mother. A week later the police picked the boy up. He was dirty and ragged and was living with a hermit on a little island. The probation officer returned him to court. The court gave him another opportunity to do better. A position was secured for him in a dry-goods store, earning \$4 a week. He has reported regularly, spent his evenings at home reading, and to-day is an excellent boy. He was recently discharged from probation, and he is still working at the same dry-goods store earning \$12 a week.

CASE F.

A man on probation for failure to support his wife and children. After a period he was lost from oversight. He was found serving time in the Erie County Penitentiary, for larceny, under an assumed name. After the expiration of the term of imprisonment he was brought before the judge for violating his probation and was given another chance. The probation officer secured work for him as a coachman for a doctor. He has stopped drinking and after five months' time he is still working and is turning the wages over to the wife.

These concrete illustrations show that it is impossible to lay down any hard and fast rule as to when violations of terms of probation should be punished by cancellation of probation and imprisonment. Each case is a human problem, and the insight of the judge and the probation officer often discovers possibilities of redemption down under many offenses and violations of terms of probation. Apparently hopeless cases, through patient effort, firm management, and kindly treatment have developed into useful lives. The results are so worth while, and the benefits so far-reaching not only to the welfare of the probationer, but to the children, and to the State, that my advice is: master each case,

and strive earnestly to save that case. If you are failing, search yourself for any failure or neglect, and analyze your charge to find further ways to help, and if then you continue to fail, try to have the judge exhaust his personality and authority, and never let go until the last stone has been overturned, and the last effort expended.

Discussion opened by Chief Magistrate Kempner: Commissioner Wade has given us a comprehensive review of this question of probation, and you all probably have begun to appreciate what a deep, complex and intricate subject we have to deal with. It is in its infancy and yet we can readily realize that it is a very broad and profound subject. In due course of time we will find the shelves in our libraries filled with books written by scholars and students covering this question. When we consider the difficulty of the question and how much there is to be studied about it, we realize the difficulty we are laboring under when we hastily adopt the system of probation in our courts.

There will come a time when probation will be a special branch of study in the curriculum of our universities. It will be a branch of study worthy of the attention of the best minds because there is no more important profession in life than the profession of the probation officer. You are dealing with the future of human individuals. You mould and shape character; and I contend that for that noble purpose you require a long system of training; you require a many-sided education, and special qualities of personal character of the noblest, highest type, in order to be able to discharge successfully the duties of a probation officer.

We have different kinds of cities, different sizes of communities, and this question of probation cannot be met in every community in exactly the same manner. What may be easy of accomplishment in a community of ten thousand inhabitants cannot at all be attempted in a community of the size of the city of New York. In a large measure our probation cases, are, I regret to say, treated in a most formal and perfunctory manner, a manner which your paper so emphatically condemned. I fear that I am not far from the truth when I say that in the city of New York, probation is at the present time largely a formal and perfunctory matter. Our probation officers cannot undertake to

watch and follow up closely the conduct of the probationers under their charge. They cannot go around during the day time to see whether the probationer is properly at work, nor at night time to follow them up to see where they spend their time. In the city at present that doesn't seem a practicable plan. We have to rely in large measure on the periodical reports that the probationers make to the probation officer. The practice of following up the probationers, to watch where they go, to see with whom they associate, is not very largely undertaken at the present time; and yet what is probation if that method is not scrupulously followed? It becomes a perfunctory matter, and very little in the line of reformation can be accomplished under those circumstances.

In the course of time there will be better opportunities for giving the probation officer a chance to do outside work of this personal kind, that is implied by the system of personal supervision. It is absolutely necessary and essential that the supervision of the probationer should be personal, because the probation officer, in my judgment, is put in the place of the parent. He has the oversight of this young transgressor. He has to watch him and direct him in his path, and he should know and observe his steps and his conduct as much as possible.

I heartily approve of the suggestion that the probation officer try to study the personality of every person put under the charge of the probation officer, and adapt his methods of treating the case according to the character of the subject in hand. No two persons are said to be exactly alike in the whole world, so no two characters are alike, and no two probationers can be handled exactly in the same way.

I can only conclude by saying that in the infancy of this great subject we should meet as often as possible for the purpose of conference and study. It is only by exchange of views that we will gradually lay the basis of successful probation work. We are beginning a great science which eventually will work a wonderful revision in the whole treatment of delinquents and criminals. The use of probation is bound to increase and expand. It is a fundamental, logical and correct way of treating those who err. It is the means by which society will save untold thousands of unfortunate men and women to useful citizenship.

APPENDIX K.

PROCEEDINGS (CONDENSED) OF THE THIRD STATE CONFERENCE OF MAGISTRATES.

Held at Albany, December 8 and 9, 1911.

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INTRODUCTION.

The Third State Conference of Magistrates met in Albany on December 8th and 9th with an attendance of fifty-six persons, of whom thirty-five were magistrates, representing twenty-one cities, seven villages, two towns and one county court.

The name of the organization was changed to the New York State Association of Magistrates. Judge Brady of Albany was succeeded in the presidency by Chief Magistrate Kempner of Brooklyn. The time and place for the fourth annual conference have not been determined.

One of the most valuable features of these gatherings is the discussion which follows the addresses and papers on the various topics included in the program. We regret that this year in publishing the proceedings it has seemed necessary to omit these informal discussions.

PROGRAM.

First Session.

Friday Evening, 8:15 — 11:00 P. M.

PRESIDENT'S ADDRESS: *Hon. John J. Brady, Police Justice of Albany.*

ANNOUNCEMENTS AND PRELIMINARY BUSINESS.

STEREOPTICON ADDRESS: The Detection and Treatment of Defendants Who Are Mentally Defective.

Suggested Sub-topics:

1. What proportion of juvenile and adult defendants are feeble minded or otherwise mentally sub-normal or defective? Are such defectives more numerous among the so-called "repeaters?"
2. How often and to what extent is mental defectiveness a contributing cause of delinquency?
3. What are some of the principal types of mental defectives; how may they be recognized; and how should they be dealt with?
4. How may a court determine which mental defectives should be committed to institutions?
5. What proportion of the inmates of correctional institutions are mentally defective?
6. What are the principal needs with reference to the institutional treatment of these classes of offenders?

By Dr. George M. Parker, Psychiatric Examiner for the Prison Association of New York, and Chief of the Clinic on Nervous and Mental Diseases of St. Vincent's Hospital, New York.

Discussion opened by Hon. Charles H. Dodd, City Magistrate of Brooklyn, and Hon. Robert W. Heberd, Secretary of the State Board of Charities.

DISCUSSION: How Can Magistrates Aid in Securing More Adequate Equipment and Better Methods for the Treatment of Delinquents in Institutions?

Suggested Sub-topics:

1. What facts should magistrates know concerning institutions to which they commit persons?
2. How often should magistrates visit institutions to which they commit persons?

3. What are the chief needs concerning institutions and institutional treatment for boys and for girls?

4. How much should the capacity of State Training School for girls at Hudson be increased?

5. What are the chief needs concerning institutions and institutional treatment for men and for women?

6. How urgent is the need of a State reformatory for male misdemeanants between 16 and 21 years of age?

Discussion opened by Hon. Robert J. Wilkin, Justice of the Court of Special Sessions of New York; Hon. George A. Davis, City Judge of Rome; Hon. Charles H. Strong, President of the Board of Managers of the State Training School for Girls at Hudson; Dr. Orlando F. Lewis, Secretary of the Prison Association of New York, and Hon. Frank E. Wade, Member of the State Commission of Prisons.

Second Session.

Saturday Morning, 10:30 A. M.— 12:15 P. M.

DISCUSSION: Is It Desirable and Proper to Permit Defendants to Plead to a Lesser Offense Than That Originally Charged? Should the Penal Law Be Amended by Changing Certain Felonies to Misdemeanors, and Certain Misdemeanors to Quasi-criminal Offenses?

Suggested Sub-topics:

1. Under what circumstances, if any, should a defendant charged with a felony be allowed to plead to a misdemeanor?

2. Under what circumstances, if any, should a defendant charged with assault in the third degree or some other misdemeanor be allowed to plead to disorderly conduct?

3. Should the Legislature make burglary in the third degree or any other felony a misdemeanor?

Discussion opened by Hon. Joseph A. McConnell, City Judge of Watertown; Hon. Howard P. Nash, City Magistrate of Brooklyn, and Hon. S. Alton Ralph, Police Justice of White Plains.

DISCUSSION: Should a Representative of the District Attorney's Office Act as Prosecutor in Police Courts and Courts of Special Sessions? If So, in What Sort of Cases?

Suggested Sub-topics:

1. What have been the results in courts which have the regular services of a public prosecutor?

2. In what cases should courts not having a public prosecutor, call upon the district attorney for assistance?

Discussion opened by Hon. John H. Chadsey, Police Justice of Rochester, and Mr. John N. Mosher, Prosecuting Attorney in the Court of Special Sessions of Syracuse.

BUSINESS.

1:15 P. M.

LUNCHEON.

Third Session.

Saturday Afternoon, 2:30 — 5:00 P. M.

DISCUSSION: How Should Boys and Youths Be Dealt With Who Are Convicted of Illegal Train Riding, Trespassing on Railroad Property, and Stealing from the Railroads?

Suggested Sub-topics:

1. How extensive are these practices?
2. What are the principal moral and physical dangers of illegal train riding and trespassing on railroad property?
3. What action should the court take when children are arrested or convicted for stealing coal from the railroad tracks or cars? To what extent are parents responsible for this offense, and how should they be dealt with?
4. How may "train-hopping" for short distances within the city limits be lessened?
5. What inquiries and actions by the court are desirable in cases of young boys from out of town who have stolen a ride on the railroad in order to run away from home?
6. What are the chief contributing causes of car burglary?
7. What can the railroads and others do to lessen these evils?

Discussion opened by Mr. Franklin H. Briggs, Superintendent of the State Agricultural and Industrial School for Boys at Industry; Mr. Orville A. Rothrock, Captain of Police of the Delaware and Hudson Railroad; Hon. William C. Gill, City Recorder of Elmira, and Hon. Peter Cantline, City Recorder of Newburgh.

DISCUSSION: What Defects, if Any, Exist in the Present Methods of Securing and Using Interpreters, and How May Such Defects Be Overcome?

Suggested Sub-topics:

1. Should defendants who cannot speak or understand English, be tried without having the services of an interpreter?

2. What steps should a court take to secure a competent interpreter when a foreigner is arraigned who speaks only a language for which the court has no regular interpreter?

3. How important is it that interpreters be employed by the city or village?

4. Should an interpreter ever be allowed to charge a defendant for his services?

5. What qualifications should interpreters possess?

6. Should interpreters be required to take an oath that their interpretations shall be, or are, correct and complete?

7. What other precautions should be taken to guard against inaccuracies or possible falsifications?

Discussion opened by Hon. Gino C. Speranza of New York City, Attorney for the Society for Italian Immigrants, Counsel to the Italian Consul-General, and a member of the State Immigration Commission of 1908-9; and Hon. Henry Putnam, City Recorder of Amsterdam.

ELECTION OF OFFICERS.

OTHER BUSINESS.

PROCEEDINGS.

(*Condensed*).

FIRST SESSION.

President's Address.

Judge Brady of Albany (President of the Conference): I want to say not only as the presiding officer of this organization, but as an Albanian, that we are glad to have you gentlemen with us, and I hope your stay in our city will not only be profitable, but also enjoyable.

At the outset I desire to thank Mr. Towne for the hard and efficient work he has done during the year and in arranging for this conference.

I believe that the importance of the work of Magistrates Courts is better recognized to-day than ever before. Probably it is the ambition of every lawyer to become a Supreme Court judge, and the ambition is an honorable one. Nevertheless there is no court in the State which offers greater opportunity to be of real service to the people, than the Magistrates Courts. By way of example, while we may not, after listening to evidence, sever the marriage tie, we may, as a result of listening to the differences between man and wife, be able to give that advice and direction that will bring about a reconciliation, and perhaps prevent another divorce action.

We as a body of magistrates have a privilege at such a time as this; that is, the opportunity to broaden our views and enlarge our outlook upon questions which, by reason of their constant recurrence in our daily work, we are likely to pass over without serious thought. We also have the privilege of gaining information such as we will receive in the talk scheduled for this evening, which as individuals we might never obtain. But we also have

a greater responsibility placed upon us. Many crying needs become evident by reason of our discussions. They are not voiced by the people, because they arise from circumstances with which the people are not generally familiar. Nevertheless they affect most vitally the welfare of the people as a whole. Upon us who are familiar with the conditions which make these things needful, is laid the responsibility of bringing them to pass.

This might be accomplished not only by our concerted action in bringing it to the attention of our legislators and chief executive, but by a campaign of agitation. All of us come in daily contact with the reporters of the various newspapers, and I have wondered why we could not enlist the powerful influence of the press, and why we might not set before them the need of these things we are seeking to bring about, and in that way create a public sentiment that would help us in such other steps as we might wish to take.

A brief statement of some of the work attempted and accomplished since our last meeting, and what I feel are some of the present needs, might not be amiss.

Many letters were written in regard to the bill introduced at our last legislature to create a reformatory for male misdemeanants. At the time of the public hearing, your president appointed a special committee, and with the members of that committee, attended the hearing and was given an opportunity to express his views on the matter. Unfortunately the bill was not enacted into law. We were unable to find any objection to the measure except the expense involved.

However, we are thankful that a law has been enacted which provides for a farm colony for tramps and vagrants, and the commission has been appointed to select the site. In this matter, too, your president tried to bring to bear such argument and influence as he could upon those who had the bill in charge.

Likewise, I think, we can take some credit for the enactment of the amendments to section 1221 of the Penal Law which provide for a more humane and just method of dealing with the unfortunates who are brought before us charged with public intoxication.

As a result of our work certain courts have set aside a particular

day each week for the hearing of domestic relation cases, and another day for cases in which children are involved; thus virtually establishing a Domestic Relations Court, and a Children's Court, separate and apart from the ordinary criminal work. More care has been used in the commitment of juveniles, to keep them from the jails and penitentiaries; and the use of the probation system has been extended. Unfortunate women instead of being held up to the scorn and ridicule of the "hangers-on" at court, have had their cases heard in semi-privacy, and we have been able to make impressions for good in many instances.

Yet, although we have accomplished much, there still remains a great deal to be done. There still exists the need of a reformatory for male misdemeanants under twenty-one years of age. Likewise laws which will enable us to use the summons instead of the warrant in suitable cases. The conditions existing at the Hudson Training School for Girls which make it impossible for that institution to receive many girls whom we feel should be there confined, have not been corrected. I feel very strongly the need of competent interpreters. Scarcely a day goes by in court when we are not called upon to use some one to interpret to one or more defendants. In the course of a year we handle cases calling for the service of some one who understands Italian, Polish, Yiddish, Greek, German, Armenian, Lithuanian and Chinese.

I find a need, and I presume it is common in most Magistrates Courts, of a prosecuting officer. Frequently, even in jury cases, the justice is called upon to act as prosecuting officer and judge, and sometimes attorney for the defendant as well. This condition should not exist. It is difficult to keep the judicial temperament under most favorable circumstances, but when one is called upon to conduct either prosecution or defense, it is well nigh impossible.

In closing permit me to say as president of this organization, at the close of its first year, that I feel that the year just ending has proven that we have a right to exist. We have been feeling our way, so to speak,—taking our first steps—but withal we have not been without some success. Problems have been met and solved, and though some things for which we have striven have failed of accomplishment, still we have been made stronger and

more fit to approach the same problems, together with others that may present themselves in the year before us.

I am sorry to announce that we received a communication to-day from the secretary to the Governor which the secretary of our organization will read.

Secretary Towne: (reads)

STATE OF NEW YORK

EXECUTIVE CHAMBER, ALBANY, N. Y., *December 8, 1911.*

Hon. JOHN J. BRADY, Albany, N. Y.

Dear Judge Brady:—

Greatly to his regret, Governor Dix finds that an unavoidable change in his plans will make it impossible for him to be in Albany tomorrow, Saturday, when he anticipated the pleasure of meeting you and your fellow magistrates in attendance at the State Conference of Magistrates. The Governor was glad to authorize you to include in your program a reception at the Capitol and he is extremely sorry for the inconvenience and trouble this change may make. Up to yesterday he hoped to keep the engagement. This is why you have not received earlier notice.

Before leaving Albany the Governor directed me to convey to you his sincere wish for the success of the Conference and to express his appreciation of the signal service that the magistrates of this State are rendering the commonwealth by their enlightened and efficient labor.

Very truly yours,

JOHN A. MASON,

Secretary to the Governor.

MENTALLY DEFECTIVE DELINQUENTS.

Dr. George Parker, Psychiatric Examiner for the Prison Association: (Dr. Parker's address was illustrated by stereopticon pictures.) I think you all have known the defective delinquent, perhaps more than you think you have. You have gotten hold of him as a type usually. Those types have grown from repeated impressions which you must have gained as you have scrutinized the defendants carefully. It isn't my purpose to change those impressions. I simply want to define them a little bit more for you.

The prisoner appearing before your courts is not exactly placed at an advantage for your observation. He is in a very intense situation. Every bit of his reserve power is called out. He has to meet a situation that probably, at least in the first offender, has never been met before. What is the result? Most prisoners

have a certain amount of energy that they can apply at any given time, but there are a large class of prisoners that have not as much energy as you and I, so when it is drafted away by having to meet this intense situation of coming before the court, you have gaps showing up. You perhaps have expressed the appearance given by those gaps by saying that the man shows "yellow." Those gaps are nothing more or less than symptoms of this man, of his mental attitude. The expression of his face tells whether he is defensive, submissive or subservient; whether he can grasp what the court says; whether he can follow the witness. Moreover, you are so placed in front of him, you are clothed with authority, so it gives you an unusual opportunity, despite all that has been thought to the contrary, to elicit certain facts if you take him at this moment. Lastly, you have his crime in front of you, and crime is many times a symptom.

This evening, all I am going to show is a class of men. We have them all numbered. I have some pictures from Mr. Forbes of the Mendicancy Association. He has probably more pictures of that class than any man in the country. I also have some of Elmira men. Men of all types fall in your jurisdiction. I am simply going to indicate in a general way some of the gaps, certain of the symptoms they may show; how they act; what relation their symptoms have to their inherent effect; what relation crime has; and whether they are more or less semi-responsible. The matter of the treatment will answer itself by the time we are through with the pictures.

(Comments on the first picture.) Here is a fellow from Elmira. All these cases from Elmira have been measured up and are feeble-minded. In a face of that kind, you have mere weakness. In these cases that don't look bad, that are not degenerate in their face at all, you get an appearance of lack of resistance; a weak mouth, a curious set of ears; the eyes in particular are flat.

(Next picture.) He isn't normal. He is a fellow that has been arrested for many misdemeanors; a repeated offender. You get those very often. In fact, you should immediately raise in your mind the question, whether that man is all right or not. You notice a bilateral difference in the face that is very marked.

(Next picture.) There is a rabbit type. That man has no resistance. He is inferior; he always has been inferior. You will

see when you go through this series of pictures that it is more a set of general impressions, than any specific diagnostic thing you can put your finger on.

(Next picture.) You very often get boys like this who show a curious tendency to a rather feminine expression. You have here a very soft and mobile face, that has received no lines of maturity.

(Next picture.) Again, your bilateral feature here. As a matter of fact one orbit of the eye is very much further sunken as compared with the other. There are anomalies in his mouth; also in the left eye, but those things we disregard again and let the general impression guide us. He doesn't look as though he could answer your questions very intelligently.

(Next picture.) This is a type of a fellow that some of you might see,—rather a tough youngster. As a matter of fact, he is not a tough boy at all. He is rather to be taken as a hopeful case. He couldn't get anything to do, and he was up against it in a great many ways. He has gotten into trouble through others.

(Next picture.) This man looks harder than he really is because one of his eyes is more at one side than usual. He has an adenoid mouth. It is a fair illustration of the persistence of an adenoid growth from childhood up. You find that arrest in mental development right straight along. We are taking care of these cases now as they come into school.

(Next picture.) He is not a bad one at all. That fellow got into trouble time after time, by a gang going after him. He was a shoemaker in Brooklyn and was doing very nicely, but one of the gang hunted him up. He would run away from them if he might, but he would do just what they wanted him to do. He couldn't resist the social pressure of fellows working with him. He is a fellow that ought to be protected. He isn't bad; you see a face that is anxious. It means that he doesn't want to be what he has been.

(Next picture.) These cases are what we call the feeble-minded; everyone has been measured up. Mentally they are, say, six or eight years backward. Their chronological age is from six to eight years more than their mental age. That has been ascertained by pretty exact work, by the so-called Binet test and

other means; and it has been done with thousands. It means that a boy twenty years old is trying to meet twenty-year-old situations with a mind of a boy of twelve, and with this handicap he is bound to go to wrong. They have no resistance; no self-defensive mechanism. They crumble up; the response to your questions is feeble. They don't get hold of complex questions; they will very often answer simple questions in regard to age and parentage, perfectly well; but in questions requiring mental grasp, you will find they will fall down. They are not very emotional; rather undeveloped, as is their mentality. In Elmira about 35 per cent. of the entire number are feeble-minded. The proportion of those in the Hart's Island Reformatory for Misdemeanants presumably is as large, if not larger than in Elmira.

(Next picture.) This boy does wrong without realizing it. He is an epileptic. The State has had him under custody a number of times. His family has put him in institutions. He is feeble-minded and a menace to the community.

(Next picture.) This case is related to feeble-minded defendants. It is a distinction worth while making because they show a little different picture than the feeble-minded. They are apt to be more silly in their conduct. This boy was running into a distinct mental disease spoken of as dementia. They are silly; they will laugh; take odd positions; they will perhaps appear to be perfectly reasonable one moment and silly the next minute. They are worth while noticing only because in the early stages they are thought to be resistant.

(Next picture.) This represents an earlier stage than the previous one. In his face there is little save the expression, to indicate his condition to anyone except to those who know. There is loss of attitude, absence of seeing anything. He also has the face that you would associate with the chronic masturbator.

(Next picture.) This fellow was a vagrant. He had been an itinerant of the so-called bum variety. He is known to be a pervert and a pervert affords a condition to which more attention should be given.

(Next picture.) This is the same type. He is a beggar and has a history of vagrancy. On trains he represents himself as a laborer out of a job and creates sympathy. The attention of the

railroad officials was called to the character of this fellow's mind and he was taken care of.

(Next picture.) At a glance this man doesn't look at all like a criminal. He is a bad man — of the active type that appears on petty charges. The last thing after vagrancy was attempted blackmail of an artist. He is the active type.

(Next picture.) This is a type of something very dreadful. He is a newsboy from Pittsburg, a pervert. It is notorious that many have swung into practices of that kind through older men who have started them in it simply as a means of financial gain for the boy. He isn't a natural pervert; this boy is an acquired type; he is a vagrant, but it is beginning to show; he is getting a face that is not only bad, but coarse. That type of the boy isn't entirely normal. It is usually the boy who is feeble-minded against whom a charge of this kind is brought. When a charge of this kind appears, he cannot be entirely right.

(Next picture.) This is another of the same type. He is a little harder and also is feeble-minded. He presumably is going to swing into the advanced type.

I haven't brought many pictures of women of the prostitute type. It isn't exactly necessary. Magistrates know them very well in appearance. Secondly, we haven't carried on any actual test to determine in regard to their being feeble-minded. What we have done and found, however, has helped bring us more and more to the belief that a very considerable percentage of prostitutes represent an arrested mental development. They represent the type of sexuality that existed before restraint and decency appeared in the individual, a type that appeared in the human race before decency was. A woman who not only has done that, but is capable of multiple perversions is not entirely right. She comes of a family where they are such, or her early conditions so warped certain things in her development as to make her precociously sexual.

(Next picture.) This type is a woman of the hysterical type. She is not of the prostitute type at all. The real hysteric will do all sorts of things. She has lots of defensive power; she will throw a fit or do most anything in order to escape the consequences of what she has done. She cannot be considered as entirely nor-

mal. The woman shown in this picture started her work as a social worker, and found it going pretty easy and got away with a little money. Then she went right into the crooked lane.

When a hysterical woman is a complainant, you want to be prepared to believe she is a good deal of a liar.

In going over these few pictures this evening, the question arises, What are you going to do about it all? We have reformatories where we are sending persons of whom between 35 and 50 per cent. are mental defectives. Where can we send these individuals? We are moving for an act for the creation of an institution for defective delinquents. We must have one of that kind; we have none at present. All of our various institutions are crowded. With such a place as that, the judge, upon seeing a case which he thinks is not quite right, could commit to a hospital for thirty days. The local doctor cannot cover this situation. You can only get that kind of men in an institution. If you can send the defective there, you have a chance to have him examined, and if he is wrong, he will be treated. Correction doesn't do him one particle of good.

Judge Dodd of Brooklyn: We are told by Dr. Goddard of Vineland, N. J., that twenty-five per cent. of delinquents are mentally defective, and that all mental defectives would be delinquents in the very nature of the case did not some one exercise care over them.

I had not been long in the Magistrates Court when I realized the importance of the treatment of mental defectives, and that many of the delinquents, particularly the young ones, were guilty of crimes and minor offenses because they were subnormal. Intelligent and systematic work among these unfortunate creatures is necessary for the well-being of society, and there are today in the great City of New York hundreds of persons mentally defective who should be in custodial institutions.

The treatment of defendants who are mentally defective is the one most interesting to us as magistrates, but the prevention of crime by this class in our community is to my mind the more important to the commonwealth at large.

This preventive work has been going on in the public schools of New York City for eleven years, but I fear its importance is

not realized by the general public. The school authorities have formed classes known as ungraded classes in about one hundred different centres throughout the city. To these classes are assigned children who by reason of mental defects cannot keep up with the regular school work, and who are found to be mentally defective after examination by experts. The importance of this work is shown by the fact that during the last school year over 3,500 children were reported for examination, and in the great majority of cases were found to be backward as the result of disease or defect. In these classes the child is given that work which appeals to his instinctive interest and which is not beyond his power to comprehend. This offers suitable environment to the child and makes it possible to develop in him right habits of mind and body, at least during the time he is in attendance at school, and gives to the authorities the means of ascertaining some of the children in the community who are in need of the guardianship of the State. A large number of these defectives, however, are not sent to school and do not get the benefit of this training and their presence in the community is often not known until the commission of some crime brings them to public notice.

This supervision and training are necessarily limited because the child after reaching the age of sixteen years can no longer attend the elementary school and he is then turned loose in the community without any supervision or guardianship. Some experts on nervous diseases contend that 90 per cent. of all cases of mental deficiency are due to morbid heredity. If this is so it can easily be seen that it is dangerous to the community to allow these persons to be at large, free to commit crimes. The teachers in these classes must necessarily discover vicious characteristics that develop, and I believe they are excellent judges of whether he is fit to be at large in the community or is a proper subject for care and treatment in an institution. Allowed to roam at large, the defective soon finds his way into the Magistrates Court, charged with any offense, from vagrancy to murder.

At the present time there is no supervision over these defectives after leaving school. The necessity for this will be shown by an examination of the report made after an investigation made by visitors of a private association. Eighty former ungraded pupils

were located and their lives and activities ascertained from parents, neighbors, settlement workers, employers and any person likely to know about the individual or his family. The following is the tabulated information of ten former ungraded class children: (I quote from the report of Miss Elizabeth R. Farrell, inspector of ungraded classes in the public schools of New York.)

**Ten Records Selected at Random of Children Formerly in
Ungraded Classes in New York City Public Schools.***

Sex	Age	Mentality	Birth	Home	Family tendencies	Characteristics
M	19	FM*...	N. R. J...	P; 10 in 4 Rms.	Eight children in family; six abnormal.	Carrier for clothier, \$5.50; night school.
M	18	FM....	.....	.....	One brother abnormal; out of employment.	Smokes; steals; lies; nothing to which he can turn his hand; peddler for a while; lost job.
M	13	FM....	.....	Good...	.....	Steals; very stout; once hired for a pittance to exhibit himself as fat boy; arrested four times; in reformatory since leaving school; incapable.
M	16	FM....	Italian...	Bad....	.....	TB; defective eyes; cleft palate; smokes; steals; roams streets; unable to care for himself; idiotic.
M	.....	FM....	.....	Poor...	.....	Idiot; burned to death because he was too stupid to walk away from the fire.
F	17	FM....	Irish....	Poor...	Parents alcoholic..	Defective teeth; fond of boys; worked few weeks in factory; mother wants to place her at service.
F	15	FM....	RJ.....	.....	.....	Epileptic; immoral; attractive "looking for work."
F	17	FM....	RJ.....	Poor...	.....	Housework at home for a time; rucking, six weeks, \$3.50; mother would like to have her taught to work; walks the streets at night with her "lady friend."
F	16	FM....	N, Ger...	Fair...	.....	Helps with housework and care of children; once worked in saloon; "expects to marry."
M	16	FM....	N, Irish..	Poor...	Mother FM; five children all FM; two sisters have illegitimate children.	Moral degenerate; smokes; cruel; vicious; delivery boy 25 cents a day; father objected to his work; at home helping mother; various attempts made to get him committed balked by mother; called "fire" on a moving picture show and caused panic.

* Symbols: FM, feeble-minded; N, native.

When we consider that many defective children are not sent to school and receive no training and no instruction except what they pick up on the street, we must realize the necessity for an official guardianship of all defectives.

The compulsory education law does not now require the attendance at school of children who are defective physically or mentally. All children of school age should be required to attend and should be accounted for in the school census. By compelling all to attend school a proper and constant supervision could be maintained, and when they reach the end of their school life the teacher and professional examiner can determine whether they are fit to remain in the community. Over those who are to remain at large the State can exercise a guardianship, having officials observe their lives and activities so that those who develop vicious characteristics may be committed before they become criminals.

Those unfit to remain in the community should be committed to custodial institutions or colonies, where they could receive proper treatment.

If these institutions or colonies were placed within the jurisdiction of the department of education many of the objections of parents to the commitment of their defective children would be overcome by giving the institution the name and appearance of a school. Many defectives are bound to become the wards of the State either in a penal or custodial institution, and why not take them before they have committed a crime and when many of them may be trained to contribute to their own support.

As to the commitment of defective defendants, the court should have power, where good reason is shown to believe them defective, to commit these to one of these institutions for observation and examination; and, if deemed unfit, a proceeding instituted for the legal commitment of the defendants until declared fit to return to the community. Those who are declared fit to return might be let out on a suspended sentence and placed on probation under guardianship so that should they develop a criminal inclination they could be committed before doing harm.

Mr. Hebbard, Secretary of the State Board of Charities: In view of the generally admitted fact that many of the inmates of re-

reformatories are found to be mentally defective and therefore incapable of benefiting by the methods of discipline of the institutions, it seems to be most important that some methods be devised whereby such mental defect may be detected prior to their commitment to reformatory institutions, and the commitment of such offenders to State custodial asylums be made possible.

If it is true that 39 per cent. of the inmates of Elmira Reformatory have in recent years been found to be mentally defective while 70 per cent. of them have been found to be sub-normal mentally, it is evident that some change should be made in the methods whereby such commitments are possible. Those familiar with the history of Elmira can now understand why the physical punishment formerly inflicted at that institution was of so little avail in the reformatory treatment of offenders. It is today better understood and realized that punishment is hardly effective in the treatment of minds that are diseased.

At Gottingen in the Province of Hanover, Germany, a small institution was opened in July, 1907, for testing the mental abilities of young persons requiring care in reformatories or in asylums. In two and three-fourths years seventy-two cases, 95 per cent. of them being of a criminal nature, were admitted to this clearing house or testing station. These cases were presumably those of a doubtful nature in so far as their mental status was concerned. Twenty-seven were still under observation at the close of the period; twenty-four were diagnosed as slightly feeble-minded; twelve as imbecile; twelve were mentally disturbed without imbecility, while five were so disturbed and were also imbecile; and five were suffering from dementia praecox. Incidentally, I may add, that the family histories of the inmates show alcoholism of the fathers, and criminality, poverty, severe illness and early death of the parents. In the Danish reformatories 40 per cent. of the children are found to have mental defects.

One of the first of these testing stations to be established should be at the entrance to New York harbor at Ellis Island, as Commissioner Williams has so vividly pointed out in his last annual report. If we can but stop the incoming flood of mental deficiency, perhaps in proportion no greater in volume than our native supply of the same character, at the very port of entry,

we shall save ourselves from a large part of the effort we are now obliged to put forth in the attempt to solve the problem of the mentally defective in this country. It is worth while for us to remember in this connection that the procreative likelihood is twice as great among feeble-minded women as it is among those of normal mind.

But to care for the mentally defective delinquent it will be necessary not only to detect them at as early a stage as possible, but also properly to provide for them after the nature of their need is discovered. They are certainly out of place in the reformatories, and it is to my mind a question as to whether or not they should be cared for in custodial asylums intended for the dependent feeble-minded. In the first place such institutions are not now of sufficient capacity to provide for the purely dependent cases that seek their shelter, and find it difficult to secure the means necessary for their enlargement. Beyond this, however, it seems important to encourage the voluntary commitment of feeble-minded persons, particularly children, to such institutions, and I cannot help but feel that this policy would be injuriously affected if it were known that the feeble-minded with distinctly criminal tendencies of a serious nature were admitted to these institutions. To me it would seem to be much better, and I would accordingly recommend it, to have separate and distinct State custodial asylums established for the care of the delinquent feeble-minded. As it is desirable to keep the sexes separate, there should be an institution for each sex, with facilities for segregation that would permit of a suitable classification of the unfortunate inmates.

In dealing with the mentally defective it should always be borne in mind that while they can be trained to habits of self-support and usefulness such as make them particularly adapted for care in custodial asylums, the very nature of their case makes it impossible to secure their reform in correctional institutions with the idea that they can safely be left at large upon the expiration of their terms. The State Board of Insanity of Massachusetts says of this class, "It is recognized that our reformatories and penal institutions contain a class of persons who are defective mentally and irresponsible * * *. The symptoms of mental de-

fect shown in these imbeciles with criminal instincts are merely the usual signs of feeble-mindedness modified only in degree and not in kind. The mental defect is relatively slight, and the immoral and criminal tendencies are strongly developed, but the mental weakness is the cause of moral delinquency and is a permanent condition. There is urgent need of special legal recognition of this type. They should be permanently committed."

The State would find it economical to care permanently for the mentally defective in custodial asylums, rather than temporarily in reformatories. In the first place it costs but about half as much to care for the inmates of custodial asylums as it does to care for the inmates of reformatories. In the second place it will save the State an enormous amount annually if it can permanently segregate the delinquent mental defective, who when at liberty is a constant and never-ending care and expense to the community in which he lives. It is time for us therefore, to seek to introduce these newer and better methods in this State in order that we may bring relief to what is now a very trying and troublesome situation.

THE TREATMENT OF DELINQUENTS IN INSTITUTIONS.

Judge Wilkin of Brooklyn: The opening of this discussion on the topic—How can magistrates aid in securing more adequate equipment and better methods for the treatment of delinquents in the institutions?—has been given to me, and it seems well that we first consider the different conditions surrounding the various magistrates.

In the great cities like New York and Buffalo, where there are probably a dozen or more institutions for the care of those who have been found delinquent before the courts, the magistrate may or may not be familiar with the institutions to which he is called upon to commit the delinquent, if he chooses to commit to some other place than the regular authorized prison. In his case, however, a short trolley ride, or perhaps only a walk, will bring him to the institution where he may make such examination as will satisfy him as to the advisability of the commitment, and be generally well posted on such institutions as he may be called upon to send his prisoner to.

In the case, however, of a magistrate living outside of the largest cities, his power to commit extends to institutions many miles beyond his city, and his information of the efficacy of sending a defendant to such an institution may be wholly dependent upon what he has heard of the institutions. This may apply also in the case of the former justice, where his power may be to commit to some State institutions such as at Hudson, the one at Bedford, or the one at Industry.

Perhaps we magistrates have been kept late hours in our courts to perform even the regular duties of the judiciary, and when we have legally determined the guilt or innocence and have committed the defendant to such established institutions as have been provided and feel that our duty has been complied with and have turned to the next case for its adjudication, I will not say that our duties require us to go any further. The punitive, reformatory, beneficent and charitable work of the State and its cities has never been placed in the hands of the judiciary and only recently in a few isolated cases have the judges been called upon, ex-officio, to sit on any parole board or other commission under the State or city governments. It is no wonder then that you and I have not made those close inquiries as to the places to which we committed such prisoners as required the action of the courts.

In answering the first question, the magistrates so far as possible and all justices for that matter, even of the higher courts, should visit the several prisons, penitentiaries, reformatories and institutions to which their jurisdiction permits them to commit, so that they, in using judicial discretion, may use it wisely in selecting the proper place and perhaps the proper length of time that the commitment should be made for. As to the frequency of these visits, I should say that depends altogether upon the location of the institutions.

The great difficulty today is, not how many times a magistrate shall visit an institution to which he may commit a defendant, either adult or child; it is not a question for him to select the best institution of several when the time comes for him to reach his conclusion, but it is the crying need today that we shall have some place where we may commit such cases as the law brings before the courts for disposition.

Some few years ago the State of New York established a plan to provide reformatory accommodations for such cases as might require it, and for this purpose, it took possession of the State Training School at Rochester; it established the State Training School for Girls at Hudson and the State Reformatory for Women at Bedford; and it equipped these institutions with the idea of receiving on commitment all cases that were necessary.

The attitude of the State in this regard paralyzed individual private effort and where provision was about to be made for the care of girls who might be sent to Hudson, the State, through its several public officers discouraged the establishment of such places and said it would make provision for the care of such cases. The cry from Macedonia has gone out each year; the door of the Legislature has been knocked upon, and you and I, who are thrown in contact daily with the cases of dire necessity, know how hard we have tried to have an appropriation made or to have some provision established which might provide more accommodations for the cases that are continually coming before our courts and we have had no redress.

I would not say, nor would I be understood as saying, that the Legislature or the State officials have wilfully neglected this important matter. I do feel rather, however, that they have not understood the crying need, the great necessity, for some such action being taken.

I do hope that the coming Legislature will be so impressed by your action and mine as will urge them to make provision to enlarge the State Training School for Girls at Hudson, or to make some other provision in some other part of the State for some similar institution which will give us an enlarged accommodation and also that we may have some provision made for an institution which shall be a reformatory for male misdemeanants between the ages of sixteen and twenty-four. I am anxious to have this clearly stated so that there may be no misunderstanding in regard to the situation. There is no place in the city of New York today that I know of, nor, for that matter, in the country districts, where a girl under the age of sixteen years may be committed on a charge of delinquency involving moral turpitude, unless perhaps she may be a Roman Catholic in faith, and white

in color, for it equally applies to colored girls, and, therefore, every Jew and Gentile, black or white, who is so determined in the City of New York today, must either be paroled to the home surroundings from which she came, which, however, very often is the real cause of her downfall, or else the Roman Catholic institutions must willingly take her under their care. This, in a few instances, has been accomplished, and all credit is due to our Roman Catholic friends whose generosity has prompted them to this action, but this is unfair to them and unfair to the children, and is not good for the community at large.

I feel that we ought to have a State institution of a reformatory character for young men between the ages of sixteen and twenty-four, but I will leave the discussion of this particular problem to some of the other speakers who will address you.

Judge Davis of Rome: The State has made ample provisions for the care and treatment of persons convicted of a felony between the ages of 16 and 29 years by providing reformatory institutions where they may be confined and receive humane treatment and industrial and educational training, which in a measure restores them to society as good and useful citizens; but it has utterly failed in its duty to the body politic in not having a single reformatory institution outside of Greater New York for the care of male misdemeanants between the ages above stated.

Under our present system, when a young man or boy over the age of 16 years is convicted of a misdemeanor or minor offense, and it is a case where some punishment should be inflicted and not a proper subject for probation, the only recourse left to the magistrate is to impose a fine or commit to a jail or penitentiary.

The fact that there are many such who are convicted and sentenced to a jail or penitentiary is shown by the report of the State Commission of Prisons for the year 1910. During that year there were 4,257 boys and young men between the ages of 16 and 22 who were sentenced to the county jails and penitentiaries of the State. I would like to enquire how many of these young men and boys when they have completed their term of imprisonment have been reformed, or have they become deeper dyed criminals because of their associations and surroundings?

I would venture the assertion, that hardly one reformation is

made; in most of our jails the prisoners are kept in idleness and they have nothing to do but to read and play cards and there is no school or instruction of any kind. This environment must necessarily be bad, as "idleness is the devil's workshop," and no good can come from these surroundings.

The law provides that minors should be kept separate from the adult prisoners, but in many of our jails this is not enforced because of lack of room and proper facilities, but even where they are kept apart from the other prisoners, if there is a considerable number of them together, they have ample opportunity to find the bad traits in each other. Our jailor told me that the young boys gave him more trouble than all the rest of the prisoners.

How much better it would have been had these 4,257 male misdemeanants between the ages of 16 and 22 years, instead of being sent to jail or penitentiary, been committed to a reformatory where they would have been employed for a part of the time in industrial or agricultural labor and the balance in educational and moral training. I believe a large percentage of them would be reclaimed to society and become useful citizens again.

I would therefore suggest, that this body again urge upon the Legislature the passage of a bill for the establishment of a reformatory for male misdemeanants.

Mr. Strong, President of the Board of Managers of the State Training School for Girls at Hudson: What facts should magistrates know concerning institutions to which they commit persons? I shall make some general observations under this and other sub-topics, and specifically refer to our experiences at the State Training School for Girls at Hudson.

First, I should say, he should know where it is located; what it costs to get there, and how long it takes to get there, since so many people, families and relatives desire to visit the girls. It is important that the magistrates should not commit to some remote part of the State where it is impossible for the families of the poor to go and visit the girls.

Next, he should know what class of persons can be committed to the institution. At Hudson the age is from 12 to 16 years.

He should know the nature of the offense, or whether any offense

is necessary to have been committed as a condition of commitment. Four-fifths of the girls committed to the State Training School for Girls at Hudson during the year ending September 30, 1910, were not criminal and were not sexually immoral, so far as we were able to ascertain. Most of them were the victims of improper guardianship.

Magistrates should also know in committing girls to the institution at Hudson that only a female officer is permitted to take them to the institution.

They should know the method of support of the girls committed to the institution; whether the institution is supported by State, county or city funds; whether it is a private institution, or whether it is a public and private institution. The Hudson School is the only place in the State to which delinquent girls between the ages of 12 and 16 years may be committed without any expense whatever to the locality from which the girl comes.

The religion of the girl should be known in respect to the institution to which she may be committed. At Hudson the girls are of all religions. There is a common service on Sunday with a form of service which is adapted for all the girls, and, although attendance is expected, it is not compulsory. Instruction is given to all the classes of girls by the priest, the rabbi, and the Protestant teacher during the week.

At Hudson there is no distinction as to color. Fifty-five out of the 330 girls are colored.

Magistrates should know what training the institution proposes to give to the girls. At Hudson, besides the common school branches, we give physical culture and singing, laundering, cooking, sewing and gardening.

The magistrate should know the conditions of parole and discharge; how inmates may be released and under what conditions. At Hudson, the absolute power of discharge or parole, within the period for which the girl may be committed, which is indeterminate, is vested in the board of managers. The power is beyond the direction of any judge, any member of the Legislature, any State official, even the Governor. The sole test exercised by the board is what is best for the girl. Usually her conduct is an important element in that test, but not necessarily.

The magistrate should know regarding Hudson particularly, that the commitment is void if the girl is mentally or physically incapable of being substantially or materially benefited by the training or discipline of the institution. Every defective girl who comes to that school takes just so much more time to train, if it is possible to train her at all. She keeps out an intelligent girl who could be trained and who would soon be discharged, thereby making way for another girl. A girl sent to us under a void commitment of that kind is examined by our resident physician, and is returned as promptly as possible to the county from which she came.

The magistrate wishes to know what the chances of reformation are when he sends a girl to an institution. We correspond with all our girls, and now under the law we have a tutelage over them until they are 21 years of age. We believe we make four-fifths of the girls that come to the Training School at Hudson fit, respectable characters in society, and in many cases honest, decent, good wives and mothers. I want to read to you a letter recently received from one of the girls after being out some years.

“I have told my husband about being at the School. I told him before we were married. I wanted to be honest with him. I am glad I was at the School, for if I had not been there, I would not know how to do my work at all, and my husband is glad too.”

How often should magistrates visit the institution to which they commit persons? They should visit an institution as often as they know anything bad about it, or suspect anything bad about it, and in any event as often as they can. Magistrates are busy men. I should hope that it would be deemed by a magistrate his duty to visit an institution at least once. If he is satisfied with the management and administration of it, let him stay away until there is a change in the administration. If he is dissatisfied, let him refrain from committing.

The chief needs of the institution are a good superintendent, a board of managers on the job, and money. At Hudson, we have a good superintendent. Of the board of managers, I will say

nothing. We need money. I cannot refrain from saying that the institutions of the State are extremely fortunate for being under the guidance of the State Board of Charities, of which Mr. Stewart is the distinguished chairman, and Mr. Heberd is the able secretary. We are on the best of terms with the Fiscal Supervisor, Mr. McCarthy, and the State Architect does all he possibly can for us. But we do need money in order to do the things we are charged by the law to do for these girls.

Our needs at present, and I tell you these because I know you want to help, are first, school equipment. We have appropriations for a new building, but not a dollar for equipment. We need a hospital. The sick are now sleeping in the corridors, and there is no chance for quiet observation of the many cases of mental disorder which naturally creep into an institution of that kind. We need a locking device, so in case of fire all the doors can be opened by a turn of a bolt and the girls released. I speak of that because I shudder to think of what might happen under existing conditions. I don't want to be held responsible. We need at least four new cottages. Our institution is conducted on a cottage, and not a dormitory system. We now have money for two new cottages, but they will all be filled by the girls we take out of the old prison building which has been condemned by grand jury after grand jury and board of health after board of health. We have had a waiting list at Hudson for years running from four to thirty. New York county during the last year has been permitted to send to Hudson only four girls. Eighty-six girls were received during the year, and only four were from New York county. Some more were from Kings county, but not many. Emphatic appeals were made to the last Legislature from various organizations and individuals, for which we at Hudson are deeply grateful. Those who have been most insistent are the National League for the Protection of Colored Women, the Russell Sage Foundation, the police justices at Niagara Falls and Wellsville, the Brooklyn Society for the Prevention of Cruelty to Children, and the New York Society for the Prevention of Cruelty to Children.

How much should the capacity at Hudson be increased? For years it was thought that 300 was the highest limit to which an

institution of the kind should go. We have 330 now. In October, 1907, the Building Improvement Commission of the State of New York authorized the State Architect to draft a comprehensive plan of the future development of the institution on a basis of a maximum population or capacity of 500. He drew those plans and submitted them to the Commission of which the Governor was a member, and the plans were approved. The buildings that have been built since then have been built along these plans. The best schools abroad and home have not over 500 inmates. Perhaps the best school of the kind is in Massachusetts where there are 300 in the school and 200 out on parole. Another excellent institution is at Geneva, Illinois. In the last report they called for cottages to satisfy a population of 500. One superintendent, one resident physician, one superintendent of the schools, and one disciplinarian can hardly care for more than 500 girls and give those girls the individual training that the law contemplates. The best results in our opinion will come from a school within this limit and not from a huge colony cramped and congested in a way that is suggestive of the poor quarters in the great cities from which most of the girls necessarily are taken.

Dr. Lewis, Secretary of the Prison Association of New York: The magistrates' courts are the gateway to the correctional institutions of this State. The normal and the abnormal persons appear before the magistrates. The first thing that magistrates can do is on the one hand to recognize the fact that a certain amount of mental defectiveness must by the law of probabilities be present in those arraigned, and on the other hand recognize in the individuals appearing before the court the presence of mental defectiveness.

The magistrates can study the present methods of distribution of convicted offenders. Magistrates will find, as has been so often shown, that our jails and our penitentiaries are not in any sense psychopathic wards, nor well-equipped hospitals. Evidently then for the feeble-minded delinquents penitentiaries and jails are not the place. The magistrates will also see that in our reformatories like Elmira, Bedford, and Hudson there is only partially adequate treatment of the feeble-minded delinquent.

The magistrates can help by making these facts known by calling attention in court from time to time to the inadequacy of our treatment of the feeble-minded delinquent and even by refusal to commit a feeble-minded delinquent to institutions obviously unfitted for them.

The magistrates, I am sure, can secure more or less medical and psychiatric counsel. I doubt not that in many of the cities of the State physicians would gladly co-operate with the courts and use the courts as a clinic. I am quite sure that if I were on the bench, one of my first moves would be to ask some of my medical friends for assistance in this line.

Magistrates can co-operate with charitable societies in their cities in securing for propaganda purposes the histories of persons who are feeble-minded. Magistrates will find, I think, that charitable societies are very ready to pursue this direction of study, and the magistrates will have more adequate facts on which to base their requests for more adequate provision for the feeble-minded.

Magistrates can join with other bodies in the State in urging the establishment of an institution especially for the treatment of the feeble-minded delinquent. Such legislation will be undoubtedly introduced in the legislative session of 1912.

Magistrates can urge that in all existing correctional institutions the study of the feeble-minded delinquent should be specially undertaken.

Commissioner Wade of the State Commissioner of Prisons. I believe that it is the duty of magistrates to become familiar with the conditions and managements of the institutions to which they make commitments. Such knowledge will undoubtedly be of great assistance in the disposition of their cases.

The jurisdiction of the State Commission of Prisons does not extend to industrial and training schools for boys and girls under sixteen years of age. Not having any official connection with these institutions, I do not feel that I can intelligently discuss their needs. I cannot refrain, however, from expressing the warmest praise for the equipment, management and results achieved by the New York State training schools for delinquent boys and girls under sixteen years of age.

The chief needs of penal institutions for men and women are, in my opinion, first, that every such institution should be so constructed and equipped that all the inmates shall have fresh air, sunlight, plenty of water, simple food and exercise. These elementary needs can be best secured by large windows in the cell halls and workshops, by good shower baths and other washing facilities, by honest food supplies, and by an adequate yard, and, in some cases, a farm. A healthy and clean mind is more likely to be developed in a healthy and clean body.

Second. The cell accommodations in all such institutions should be decent and sanitary. The standard cell adopted by the State Commission of Prisons is six feet wide, eight feet deep and eight feet high. Each cell should be properly ventilated and be equipped with a sanitary closet, wash basin, electric light, and a single bed with sufficient bed clothing.

Third. Whenever adults and minors are committed to the same institution, minors should be separated from adults in the cell quarters, in the mess hall, and, so far as possible, in the workroom.

Fourth. Industries or other forms of employment should be introduced in all such institutions sufficient to give a fair day's work to all inmates in good health, and the kinds of work should be selected as much as possible for their helpfulness after release.

Fifth. More educational instruction should be given in these institutions, especially for young and illiterate inmates.

Sixth. Every such institution should be in charge of an efficient warden or superintendent, who, while maintaining strict discipline, should keep in touch with the needs and complaints of the inmates; should be interested in their personal welfare; should win their confidence, and awaken their co-operation in the management of the institution.

Seventh. Reformatory methods and the reformatory spirit should permeate every such institution.

The prison system in New York State presents a strange paradox. Training schools are provided for delinquent boys and girls under sixteen years of age. There are reformatories for boys and men from sixteen to thirty years of age who have been convicted of felonies. Reformatories are also available for girls from fifteen to

thirty years of age. The wayward boy of over sixteen years, however, who has not committed a felony but who must be sent away for the commission of a minor crime, is denied all reformatory treatment.

Sixteen years of age is simply an arbitrary division established by law. Many boys of sixteen, seventeen, and eighteen are as immature and susceptible to evil associations as those under sixteen. The boy at sixteen is just beginning to prepare for his future life. He is then young enough to be easily moulded by environment, and old enough to have some discretion in the selection of his trade or life work.

During the five years from sixteen to twenty-one the boy is preparing to shape his future career and to become an American citizen. These are formative and more or less restless years. The virile animal propensities are beginning to assert themselves, unaccompanied by maturity and balance of judgment. Many reckless and neglected boys who commit minor crimes are unfit to remain at liberty, even under probation, and are moving in the grooves that lead to confirmed criminality. You all meet the type daily in your courts — wrong-headed boys, twisted out of gear by bad habits and associations, stubborn and sullen, generally dissipated, intolerant of advice, sowing the wildest oats of the smart period of life.

Guardianship of minors has been reserved by the State in law and equity from time immemorial. It follows consequently that, both in morals and in law, the State owes a special obligation to neglected and delinquent minors. How does the great State of New York discharge this moral and legal obligation to boy minors between sixteen and twenty-one years of age whom the courts decree must receive institutional treatment for the commission of minor crimes? It consigns them to penitentiaries and jails.

Most of the inmates of the penitentiaries are kept in idleness, with the exception of those in the New York and Onondaga county penitentiaries, and their work should be increased fifty per cent. In some of the penitentiaries the cell accommodations are unfit for human beings. I could name a penitentiary where most of the inmates are kept in their cells during the twenty-four hours of the

day, except for short exercise periods. I could name two other penitentiaries where the inmates are daily marched into workshops denuded of all industries, and are seated on benches, remaining there during the working day doing absolutely nothing. There is not a penitentiary in the State that gives educational instruction, with the exception of New York penitentiary, where the warden is about to institute something in that line. There is not a penitentiary in the State where minors are separated from adults except in the New York penitentiary. In 1909, 1,560, and in 1910, 1,333 boys between the ages of sixteen and twenty-one were imprisoned in the penitentiaries.

The conditions in the county jails are even worse. Only a few jails furnish employment, and that of the most rudimentary kind, such as breaking stone. Only a few jails have yards, and the inmates of the jails have practically no exercise in the open during the period of confinement. The jail construction is generally a cage affair, the cells opening into corridors where the inmates freely mingle during the whole day, play cards, and loaf away their time. While the county law forbids the mingling of minors and adults in jails, it is constantly violated, notwithstanding the most strenuous efforts of the State Commission of Prisons. Abominable practices are reported. There is certainly opportunity enough, because most of the time the inmates are not watched, and degraded characters are confined in the jails. In 1909, 4,294, and in 1910, 3,816 boys between the ages of sixteen and twenty-one were confined in the county jails, a good proportion of whom were time prisoners.

Now, gentlemen, these conditions constitute a serious indictment against the intelligence and the moral sense of the State of New York. For a number of years past the friends of prison reform have been soliciting the Legislature to make provision for a reformatory for male misdemeanants between the ages of sixteen and twenty-one years. Conferences of charities and corrections, this conference, and other public and philanthropic bodies have expressed themselves in favor of this proposition in resolutions and by appointment of committees, and yet practically no progress has been made.

I regard the erection of a reformatory for male misdemeanants between the ages of sixteen and twenty-one as the most necessary and urgent prison reform at present under public discussion. Such an institution should be of the character of the Elmira reformatory, fully as large and fully as well equipped. It would soon be filled by boys who are now being degraded and destroyed in our penitentiaries and jails. The inmates should be committed on an indeterminate sentence, instructed in trades and agriculture, and receive an education at least up to the standard of the common school.

An institution of this kind will round out the prison system of the State, remove the present stigma of neglect, and provide a place where you, as magistrates, can commit the delinquent boy between sixteen and twenty-one years of age with the assurance that he will be surrounded by reformatory and corrective influences and with the chances that he will be saved to usefulness and good citizenship.

SECOND SESSION.

PLEADING TO LESSER CHARGES.

Judge McConnell of Watertown: Of the two propositions to which I have been assigned to express my views, I take the affirmative only of the question, "Is it desirable and proper to permit defendants to plead to a lesser offense than that originally charged?"

I take the affirmative of this question after supplying the word "guilty" after the word "plead." The defendant should be allowed to plead to a lesser offense than that originally charged, if the facts disclosed upon further examination change the nature of the offense or the degree thereof. Then it would plainly be the duty of the magistrate to change the offense charged to correspond to the newly discovered facts; and to the new charge the defendant must plead before going to trial; so the question must be, "Is it desirable and proper to permit defendants to plead guilty to a lesser offense than that originally charged?"

It is impossible to state and define under just what particular circumstances a defendant charged with a felony should be allowed to plead to a misdemeanor. It should depend largely upon the former character, age and environments of the defendant, and upon the nature of the felony with which the defendant stands charged. It should never be permitted unless with the approval of the district attorney or his representative.

If a young man between the age of sixteen and twenty-one years, of previous good reputation, stands charged with grand larceny, and the next term of court at which a grand jury is to sit is set down at a considerable period of time after the hearing before the magistrate, and the defendant, if held to answer to the charge, would have to be committed to the county jail, for lack of bail; and if the offense, aside from the value of the property stolen, does not differ from the ordinary cases of petit larceny, I think that, with the approbation of the district attorney or his repre-

sentative, the defendant should be allowed to plead guilty to the charge of petit larceny and be dealt with accordingly.

The question of holding the defendant, who is between the ages of sixteen and twenty-one years and who is unable to give bail, to answer to an indictable offense and committing him to the county jail to await the action of the next grand jury, leads me to a view of the subject which, upon its first presentation, may appear to be foreign to the issue under consideration.

In January, 1911, shortly after the sitting of our grand jury, three young men were brought before me, charged with burglary in the third degree. Unfortunately, their previous records were such that each of them ought to be committed to a reformatory. They were each too old to be committed to the State Agricultural and Industrial School, and the State reformatory at Elmira was the only place where they could get reformatory treatment. In order to enable them to secure such treatment, it was necessary for me to hold them for the next grand jury. In default of bail, they were committed to the custody of our sheriff and confined in the county jail, where they were detained for upwards of four months, until they were indicted by the grand jury. They were finally committed to the reformatory at Elmira, where they are now.

If these young men had been under the age of sixteen years, it certainly would have been desirable and proper to have accepted a plea of petit larceny, of which offense they were also guilty, and they could thereupon have been immediately committed to the industrial school, and they could have at once received the benefits of a training there.

They desired to plead guilty to the charge of burglary in the third degree, and to receive an immediate sentence. Had I had the authority to have committed them to the State reformatory at Elmira, their long confinement in our county jail would have been avoided, together with the evils which must have resulted from such confinement.

I believe that under such circumstances a city magistrate should have the authority to commit directly to the State reformatory at Elmira, and I believe that young men between the ages of sixteen and twenty-one years, their former records warranting it, upon con-

viction should be at once placed where reformation is the main object of confinement.

We have a modern, up-to-date county jail. The keepers are humane and anxious to do all things within their power to bring about reformation of those they have in charge. But common jails are not intended to be and are not reformatories. Had these three young men been convicted of crime and duly sentenced to be confined in jail, they could have been immediately placed at work, and the chances of demoralization from jail confinement might in a measure have been eliminated. But, as they were what we call grand jury prisoners, they were forced to remain in jail in idleness till released after indictment. What physical, mental and moral injury they there received, you and I cannot estimate.

A reform institution should at once be established, where young men from sixteen to twenty-one years of age could be committed immediately upon conviction before a magistrate, and immediate authority should be given committing magistrates to sentence to such reform institutions male offenders between such ages, convicted of misdemeanors for which they have jurisdiction to try. Power should be granted to magistrates of cities to commit to such reform institution all males convicted of misdemeanors by and before them. Power also should be given them, upon the approval of the district attorney and upon a plea of guilty by the defendant, to sentence to the State reformatory at Elmira upon any charge of felony for which a defendant may now be there sentenced by any court after indictment.

With such power given committing magistrates, and with such a new reformatory for males between the ages of sixteen and twenty-one years, there would not exist the necessity of allowing a defendant to plead guilty to a lesser offense than that originally charged in order to do justice to the people and to the defendant.

Until such an institution is established and until such power is granted committing magistrates, circumstances will arise which make it desirable and necessary to allow defendants to plead to a lesser offense than that originally charged.

While the practice of allowing this to be done can be defended, it is not a good practice. Defendants should be compelled to plead

to the charge of which they are guilty. To resort to it is to get a defendant in a reformatory, when that is the object of the magistrate, under false pretence, as it were.

As to the second proposition, "Should the Penal Law be amended by changing certain felonies to misdemeanors and certain misdemeanors to quasi-criminal offenses?" I take the negative. I fail to see the necessity for the changes suggested by the question. Nor do I see any good that might come to the public or to a defendant to allow a defendant who stands charged with assault in the third degree or some other misdemeanor to be allowed to plead guilty to disorderly conduct. Disorderly conduct (sections 43 and 720 of the Penal Law) includes a countless number of offenses, such as an act which seriously disturbs the public peace or openly outrages public decency. One charged with disorderly conduct might better be granted the privilege of pleading guilty to assault in the third degree or some other misdemeanor. Personally, I have much more respect for a person who uses his or her fists unlawfully than I have for one who uses vile and indecent language publicly. The one guilty of assault in the third degree stands a better chance in my court ordinarily than the one guilty of some acts defined as disorderly conduct, especially when such act openly outrages public decency. With our system of probation and with the power of magistrates and courts to suspend sentence there is now little, if any, necessity of changing any felony that I know of to a misdemeanor. The Penal Law should be changed as seldom as possible.

A change will come about from the establishment of a reformatory for males between the ages of sixteen and twenty-one years and the granting of magistrates authority to commit to such institution and to the State reformatory at Elmira as herein suggested. Then there will vanish all necessity of any such change in the Penal Law as suggested by the third sub-topic, and it will no longer be advisable to allow a defendant to plead guilty to the commission of a misdemeanor when a felony has been charged against him, for the court or magistrate before whom the defendant stands charged will be able to do justice without resorting to a subterfuge.

Judge Nash of Brooklyn: In discussing the first topic selected for this morning's session, I shall approach it from the standpoint of a city magistrate of the city of New York, possessing practically no powers as a special sessions judge. It is my intention, therefore, entirely to disregard so much of the question as is involved in the first and third suggested sub-topics for the reason that they relate to matters with respect to which I am qualified to speak neither by experience nor by any special study.

The second suggested sub-topic, however, possesses more than academic interest for a New York city magistrate. "Under what circumstances, if any, should a defendant charged with assault in the third degree or some other misdemeanor be allowed to plead disorderly conduct?"

"The courts of justice . . . having original jurisdiction of criminal actions" are enumerated in section 11 of the Code of Criminal Procedure and include (subs. 8) "The Police Courts." And section 74 of the same code informs us that "The courts held by police justices are called police courts . . . and are so designated in different parts of the Code." In section 72 of the Inferior Criminal Courts Act (Laws 1910, c. 659), it is declared that "city magistrates' courts are police courts within the meaning of the provisions of the code of criminal procedure and the penal law."

Now it is interesting and important to note that section 74 of the Code of Criminal Procedure contains these words: "Police justices have such jurisdiction, *and such only*, as is specially conferred upon them by statute." And these words mean precisely what they say. Thus McAdam, J., speaking in New York Special Term in *Matter of Motley*, 24 Misc. 488, 489, said:

"The magistrate being an officer of inferior jurisdiction, his power to act must be based upon some statute expressly conferring the authority which he assumes to exercise."

And in *McNamara v. Wallace*, 97 App. Div. 76, the Appellate Division, second department, held that the act of a magistrate in accepting cash in lieu of bail was wholly void, "the public policy of the State having decreed that police justices should have only the authority specifically given by statute."

Beginning with section 188 of the Code of Criminal Procedure, the law points out with great detail each step that the magistrate must take when a defendant is brought before him charged with crime.

It may reasonably be inferred from section 208 that, after examination, a charge of felony may be reduced to one of misdemeanor and defendant held upon the latter. But the Code will be searched in vain for any authority to make such a reduction before examination or for any authority to accept a plea of guilty to disorderly conduct where the original charge is one of misdemeanor. Yet section 334 expressly provides that *after indictment* the defendant may "plead guilty to any lesser crime than that charged in the indictment."

Does it not seem clear that the answer to our question must be "Under no circumstances should a defendant charged with misdemeanor be allowed to plead guilty to disorderly conduct?"

Yet, so far as I know, this conclusion runs counter to the general practice of the magistrates in the Second Division of the City of New York and I presume that, very generally, my colleagues would attempt to justify their course on the ground that it tempered justice with mercy and did no harm in any event.

I cannot agree with this for I am not one of those who believe that the qualifications for being a good magistrate are a maximum of common or horse sense and a minimum of legal learning. On the contrary, I believe that the public good is best subserved by a strict adherence to that which is the law of the state and that positive harm is done every time we depart from it.

But, aside from these considerations of public policy, selfish interests should prompt us to give up this questionable practice. In the Wallace case, already cited, it was held that a defendant who had deposited cash with a magistrate in lieu of giving bail was entitled to recover the same from the magistrate, although he had in fact paid it over to the county treasurer, Woodward, J., speaking for the court, saying (pp. 78-79):

" 'Police justices have such jurisdiction, and such only, as is specially conferred upon them by statute.' (Code Crim. Proc. 74.) We find no provision of law permitting a police

justice to accept a cash deposit in lieu of bail . . . There is no authority for the police justice to act as the agent of the county treasurer in receiving this deposit; the magistrate is authorized to accept bail (Code Crim. Proc. 557), but where there is a substitute of a cash deposit it must be made to the county treasurer, and it is upon his certificate that the person is given his liberty. . . . The police justice, assuming to have authority, took the money . . . in lieu of bail. This action on his part was wholly void; . . . and the public policy of the State having decreed that police justices should have only the authority specifically given them by statute, any one who has been illegally deprived of his money by reason of the misconduct of the police magistrate may recover the same."

Under this decision, would not a defendant who had paid a fine after a plea of guilty to disorderly conduct, where the original charge was a misdemeanor, be entitled to recover back the same? And would not its collection by the magistrate amount to oppression under section 854 of the Penal Law?

Even where the examination on a charge of felony or misdemeanor discloses that the defendant is not probably guilty as charged, but is guilty of disorderly conduct, proper practice would seem to require the dismissal of the complaint and the filing of a new one charging the lesser offense, to which the defendant could regularly plead and upon which he could be regularly tried.

Judge Ralph of White Plains: Under what circumstances, if any, should a defendant charged with a felony be allowed to plead to a misdemeanor? Where the charge has been made a felony through some maliciousness on the part of the prosecuting officer or the complaining witnesses, or where the facts discovered after preliminary examination do not warrant that charge, it should be reduced to a misdemeanor. It is also advisable, I believe, to accept a plea of misdemeanor in many cases where the letter and not the spirit of the statute has been disobeyed. I have in mind some cases, one of rape in the second degree, where a young man was held on complaint of a woman. They had both been guilty of the offense, and because of some concession which was not forthcoming

on the part of the man charged, the girl made a complaint. That is a case which comes very often before the magistrate, and in which the plea of misdemeanor could be very reasonably accepted.

In some cases of larceny a lesser plea might reasonably be accepted. I have in mind a case of a young boy whose father and mother had parted. He was living with his father, who had no time to attend to his training. This boy fell in with older and vicious boys and stole some articles, enough to make the offense grand larceny in the second degree. It was seen that this boy was of good intellect, of good physique. He was assigned a very conscientious counsel, and the counsel, knowing that he was technically guilty of the charge, pleaded guilty and threw him on the mercy of the court, asking for a suspended sentence. The court might have suspended sentence, but the district attorney arose. He said to the court, "I cannot see this boy go out of this courtroom a felon. It will seriously impair his future, and I cannot recommend that sentence be suspended upon this charge. But I do recommend that the court take a plea of unlawful entry, which is a misdemeanor, and allow this boy to be put under the oversight of a probation officer where he can be saved."

Another case grew out of the lack of good judgment. This was a case in which a woman married a man, the woman being already married at the time. She was charged with bigamy. She thought that her husband was dead, because, after having left him and moved into Westchester county, she saw a notice in the newspaper that a man by this same name had died. Now, there was no intention to commit a crime on her part. Her fault was the lack of good judgment in exercising that judgment which a naturally prudent person would exercise. When this matter was brought before the attention of the court, the court accepted a plea of adultery and suspended sentence on her. The man marrying her was severely punished, for the reason that he was a business man and should have exercised his business experience and investigated the facts and not relied on what he wanted to be the fact.

In several cases of carrying concealed weapons I have been convinced that the man carrying the weapon had no idea of committing crime. In one case the defendant came from out of the State

and did not know the law. In another case a farmer had come into town and had bought the weapon for another man. He was arrested and the gun was found upon him. It was wrapped up in its original package, and this man was held to await the action of the grand jury for four months, and then he was fined heavily. The magistrate should take into consideration that interval lying between the commitment to the county jail and the time when the grand jury acts. I have sometimes taken the plea of disorderly conduct and let the man go. In cases where a man has had a long reputation for good living I think he should be granted this respite in law.

In going to the third topic, "Should the Legislature make burglary in the third degree, or any other felony, a misdemeanor?" I don't think any of the present felonies should be reduced to misdemeanors. It is the object of the law to create and exercise in the body politic the greatest amount of deterrent influence for the prevention of crime. The punishment in felonies is great, and it often causes a man to stop and think before he commits a crime. I don't think any of these safety valves should be removed.

THE PUBLIC PROSECUTOR IN POLICE COURTS.

Judge Chadsey of Rochester: Chapter 182 of the Laws of 1898, entitled, "An act for the government of cities of the second class," commonly known as the "White Charter," took effect January 1, 1900. Section 414 of the White Charter provided that the "Corporation counsel shall appoint an assistant and clerk and such other subordinates as the Board of Estimate and Apportionment may prescribe, to hold office during the pleasure of the corporation counsel, and to discharge such duties pertaining to their office as he may direct."

Under the authority of said section by resolution of the Board of Estimate and Apportionment duly adopted, the corporation counsel was authorized to appoint certain subordinates, and on February 22, 1900, Corporation Counsel Porter M. French appointed Charles E. Callahan as law clerk in the corporation counsel's office, and he was assigned to prosecute violations of the laws and ordinances in the police court of the city of Rochester.

Mr. Callahan filled this position until December 31, 1903. He was succeeded by Mr. Norman Rosenberg of the corporation counsel's office, who held office until some time in 1904.

There had been a dispute for several years between the city and the county officials as to whose duty it was to look after prosecutions in the police court of Rochester. The corporation counsel claimed that inasmuch as these were criminal matters, the district attorney or his representative should prosecute, and the district attorney took the position that as a very large percentage of the cases coming before the police court were cases arising in the city or were violations of city ordinances, that the corporation counsel should have charge, and that the district attorney did not have a large enough staff to take care of these matters.

Finally in 1904 an agreement was reached that an additional assistant should be allowed the district attorney and that the city should pay one-half of the salary of said assistant.

By Chapter 380 of the Laws of 1904, the position of deputy assistant district attorney was created at a salary of not less than \$1,200, and it was provided that the district attorney and his assistants and such deputy should conduct all preliminary examinations and other prosecutions for crime in the police court, and should prosecute violations of the penal ordinances of said city, and that the city should pay one-half of the salary of such deputy.

Charles R. Bechtold was appointed as such deputy district attorney, and was later succeeded by F. F. Zimmerman in 1905.

By chapter 433 of the Laws of 1906, the position of second deputy district attorney was created. The same act also provided that one-half of the salary of the first deputy assistant district attorney should be a charge back upon the city.

Joseph P. Hogan was the next deputy district attorney and was succeeded on January 1, 1911, by Marsh Taylor, who is still acting as prosecuting attorney.

The salary of the first deputy district attorney at present is \$1,600. Section 203 of the County Law, being chapter 16 of the Laws of 1909, chapter 11 of the Consolidated Laws, provides that the district attorney of Monroe County, and his assistants, and such deputy assistants, shall conduct on the part of the people

all preliminary examinations in the police court of the city of Rochester, and, subject to the right of a complainant to appear personally or by attorney, all other prosecutions for crime therein, and may conduct prosecutions therein for violations of penal ordinances of said city and appeals therefrom, and in such event one-half of the salary of such first deputy shall be a charge upon the city of Rochester and assessed back upon the city by the Board of Supervisors of Monroe County, but the corporation counsel of said city shall have the power to prosecute any person for the violation of an ordinance, and to conduct proceedings therefor or any appeal therefrom.

You will see that under these several acts we have had the assistance of the deputy district attorney. Up to December 1 of this year, we have had 7,288 cases that the district attorney has appeared in. He has appeared in all cases wherever there is not a plea of guilty, even for intoxication. He has been the prosecuting attorney and has asked the questions necessary to convict. He attends to all cases and the district attorney himself very seldom comes in the police court unless it is a murder trial or examination where the party is charged with murder. You understand that we as police justices have the power of a court of special sessions. Under the old practice, the justice of the peace whenever he held a criminal case was holding a court of special sessions. Now the criminal courts have no jurisdiction in these cases where they are simply magistrates,—as a case of non-support, or disorderly person—there he sits as a magistrate; otherwise, he is really a court of special sessions.

Of course in taking up several thousand cases in eleven months, no police judge can do his work without such assistance, yet I have found by inquiry that the judges in other cities, even in Greater New York, do not have regular prosecuting attorneys except when they are called upon to appear.

Mr. Mosher, Prosecuting Attorney in the Court of Special Sessions, Syracuse: Should a representative of the district attorney's office act as prosecutor in police court and courts of special sessions? If so, in what sorts of cases?

In the cities and larger villages of the State, the duties of the police magistrate cover a broad field and require the exercise

of wisdom, judgment and discretion. There is a constant strain upon the judge, and his work should be limited to the performance of his judicial functions. It is impracticable and impossible for the magistrate to investigate or prepare cases prior to the trial. He is a judge; not a prosecutor, inquisitor or investigator.

No information can be properly drawn and no warrant should be granted, based upon indifferent investigation. This is particularly true in cases of felonies and the more difficult and unusual misdemeanors.

The clerk of the court, assisted by the police and other interested parties, often makes the preliminary investigation, drafting the information upon which the magistrate grants the warrant. The clerk in most cases is not a lawyer, but his papers must present a case upon their face. The defendant appears by his counsel, and upon the trial it appears for the first time that the wrong remedy was selected. Instead of burglary, it is a petit larceny. The window through which the thief entered was already raised an inch or two. Perhaps the wrong-doer is charged with robbery, whereas it is a larceny from the person in the night time. A defendant may be guilty of a crime. Competent proof thereof may be lacking, however, and conviction on that charge out of the question. Conviction, for instance, upon the charge of carrying concealed weapons within the meaning of section 1897 of the Penal Law may easily be secured, though the logical charge may be assault.

Hundreds of complex problems arise where better results could be obtained and justice secured by a different remedy from that actually selected. As has been stated, the necessary preliminary work cannot be done by the magistrate and the work is done by clerks who hurry the matter over, knowing that in a great majority of cases where felonies are charged their mistakes will be corrected in the grand jury. The correction, however, is costly to the county, the uncertainty demoralizes the prosecution and encourages and lends comfort to the wrong-doer. In consequence the grand jury is clogged with undeveloped cases.

A prosecuting attorney therefore becomes necessary. He should be a representative of the district attorney's office, for he must follow and be responsible for the case from first to last. He

should investigate the facts, draft or supervise the drafting of the warrant, and when satisfied of the guilt of the defendant aim, in proper cases, to secure a conviction at the earliest possible time. When the ends of justice may be best secured thereby, he should so engineer the case that it may be disposed of in the magistrate's court.

The prosecuting attorney should reduce the charges where feasible in all cases of minor, uncertain and doubtful felonies to misdemeanors, but only upon a plea of guilty to the reduced charge; thus securing quick and certain justice, and saving much time and expense of grand and petit juries.

Under our old system, boys were sometimes sent to the penitentiary to await the action of the grand jury, many of whom had never before been arrested, and were there subjected to the influence of criminals. An investigation of the facts at the court of special sessions, as brought out by an assistant district attorney, would have caused the case to have been disposed of at that court in a way that would be just and proper and would probably save one more good citizen to the community. Under the old system, cases were often sent to the grand jury, in which indictments were sometimes found, requiring a day of the time of the county court with the attendant expenses, only to find that the matter might have been economically and justly disposed of at court of special sessions; and in many other cases indictments were not found because of the feeling of the grand jury that the crime was too small to merit the expense of a trial in a court of record, but these defendants should have had some punishment. It is one of the principles of modern criminal practice, that a quick, sure and certain sentence put in force at once, acts as a stronger deterrent to crime and is a better protection to society than a more severe sentence secured at the end of long litigation. Litigation of this character is costly and injects an element of uncertainty into a case which appeals to the resourceful criminal and arouses his gambling instinct.

The result of this new system in Syracuse is that instead of 150 or more cases being presented to the October grand jury, the number now presented at that term is reduced to about 100. Cases are prepared and disposed of with certainty and despatch,

the former congestion and delay incident thereto obviated, justice secured and society protected at the least possible cost of time and money. Such procedure makes the court of special sessions a popular one, and increases the volume of its business. It is the people's court.

During the year ending December 1, 1911, 400 alleged felonies were reported to the assistant district attorney. These cases were investigated by him aided by the police, and a full and complete record thereof filed with the district attorney. Of this number 184 were sent to the grand jury, 216 were disposed of at the court of special sessions as follows: 15 were discharged on examination; 50 were reduced to misdemeanors; 25 were withdrawn; 126 were reported to the district attorney as insufficient to justify criminal prosecution. Restitution was permitted in several of these cases; fines imposed amounted to \$1,234, sentences imposed amounted to 125 months; sentences suspended amounted to 128 months.

During the year 1910 there were 4,281 arraignments and 3,556 convictions for misdemeanors. The fines paid amounted to more than \$6,000, an increase of more than 100 per cent. over that received two years prior thereto.

In the country districts, especially if the justice of the peace be unfamiliar with criminal law and procedure, he should in all felony cases immediately after notice of the commission of the crimes, secure the assistance of the district attorney. The district attorney will save time and expense by taking the matter up at the beginning. The district attorney can get his evidence if he acts quickly; otherwise, evidence often cannot be secured after the defendant's attorney and friends have put in their work.

REMARKS AT THE LUNCHEON.

Hon. Joseph A. Lawson of Albany: (After some very interesting remarks in a humorous vein, Mr. Lawson spoke as follows.)

The line of demarcation between vice and virtue is a hair line. Today the man is a respected member of the community; tomorrow he is under indictment, tried, convicted and passes the dead line, — a felon. What is true of the man is more markedly true of the woman. Whoever hears of a woman of the half-world coming back to sit side by side with her virtuous sisters? The probers probe, and the frocked clergyman without practical experience, cries aloud in his pulpit for her punishment, for her elimination; but where is her Siberia, and where is she to go?

I have come to the conclusion that there are two crying reforms that demand the attention of the American people. I believe that one of the great shames of our present system of treating misdemeanants is the ordinary county jail, and another is the system of solitary confinement in penal institutions.

The jails, those pesthouses where a criminal spends the interim before his sentence in absolute idleness, are only the fostering places of further schemes of crime. Because of the low order of intelligence of the average prisoner, he cannot occupy his thoughts with books or other things. He goes to serve his sentence amid surroundings which are evil and debasing.

We need also in this State of New York some institution that will take the confirmed inebriate, whose brain is poisoned by alcohol, who is as insane from the effects of over-indulgence as the maddest March hare that ever flipped his little tail across the plains. There should be an institution for the treatment and care of that man, so that he may be restored to health rather than thrown into jail or an institution where the majority of the inmates are suffering from mental disorders pure and simple. Conceive of a man waking up in the morning, with a dark brown taste, and finding that the county judge, on the certificate of two physicians, has put him in a place to be cured where 60 per cent. of the inmates are climbing up the walls!

The great and weighty matters concerning the growth of monopolies and the dissolution of trusts affect directly only a few.

Where there is only one J. Pierpont Morgan, only one Rockefeller, only one of these multi-millionaires and great princes of finance, there are hundreds of thousands of men, women and children who must be made better for the sake of a clean, good, sane national life.

What we want is first a reformatory treatment of the criminal that will be rational and bring out any good that may be in him; and second, a State institution for the treatment of those who are temporarily mentally unbalanced through the effects of alcoholism. If these two things could be brought about by you men who are in direct personal touch with the problems, who sit at the very fountain head of reform, I will thank God that the Legislature meets every year in the city of Albany.

THIRD SESSION.

TREATMENT OF YOUTHFUL ILLEGAL TRAIN RIDERS.

Mr. Briggs, Superintendent of the State Agricultural and Industrial School for Boys: First, how extensive are these practices?

Observation leads to the belief that the practice of illegal train-riding is a most common one and that it results in boys becoming confirmed tramps and criminals. Observation of freights on the New York Central lines and those of other trunk line railways will show that every freight train has several illegal train riders and among them boys and youths. Of the seven hundred and sixty-two boys in the school at Industry, four hundred and thirty-nine, or fifty-seven and six tenths per cent., practiced freight jumping before coming to the school, and the greater number of the Polish boys from Buffalo have been guilty of more serious crimes against the railroads and the laws of this commonwealth. Boys frequently come to the school who have travelled all over the United States from the Pacific to the Atlantic and from Canada to the Gulf.

What are the principal moral and physical dangers of illegal train riding and trespassing on railroad property?

The physical dangers are a matter of common knowledge; one rarely scans the columns of his morning newspaper without perusing some item telling of the death or maiming of some jumper of trains. The number of boys through the State who have lost some member of their bodies through this cause is legion.

The moral dangers while more subtle are more to be dreaded than the physical. The boy being permitted to ride with impunity, knowing it to be contrary to law, knowing that those charged with the execution of the law wink at its violation, soon grows to have a contempt for the law and its representatives. His excursions gradually take him farther afield, he becomes hungry but has no money; kind hearted, sympathetic people supply him with food for the asking, and the more improbable the lie which he tells to

arouse their sympathy and open their larder the more generous the donors become. He thus becomes a beggar with the attendant loss of self-respect and ambition, for why should he labor to gain the wherewith to buy food and transportation, when the one can be had for the effort of jumping a train and the other for the mere asking? While engaged in this illegal train riding, boys are thrown into contact with tramps and oftentimes with the worst criminals of the country. The confirmed hobo is constantly on the outlook for a boy to be his attendant whom he may use for the gratification of his perverted sexual appetite. Once a boy becomes addicted to this last practice his moral degradation is complete.

The burglarizing of cars naturally follows from the train riding and other crimes from association with the confirmed criminals who make freight trains their means of transportation.

What action should the court take when children are arrested or convicted for stealing coal from the railroad tracks or cars? To what extent are parents responsible for this offense and how should they be dealt with?

In my judgment, parents are entirely responsible for this practice, especially at its inception. A missionary who has lived adjacent to the railroad yards in one of our large cities for the past eighteen years told the writer that every morning from three o'clock until about nine, year in and year out, a procession of Polish women, each with a bag of coal over her shoulder which they had stolen from the cars of the railroad company, passed his doors; that many of these sacks contained more coal than he could possibly carry, and that at least from four to five tons per day were carried from that particular part of the railroad yards; that, further, he has seen women from this same locality attack a slowly moving car filled with hogs, smash through the side of the car with axes, pull out a live hog, weighing about 150 pounds, and carry it off, in broad daylight.

What wonder is it then that the boys and young men of this same section make car burglary an occupation? This same gentleman is authority for the statement that, in broad daylight, he has seen these gangs of boys and youths attack with axes carloads of goods in slowly moving freight trains, smash into the cars and throw out the goods and carry them off. When such utter de-

fiance of law is shown by the mothers, what wonder is it that a fusillade of revolver shots fired by these same boys and youths at railroad detectives murder sleep in that locality, or that the boys coming from parochial schools on their way home stop in front of a church adorned with stained glass windows and deliberately and wantonly smash twenty-six of these windows with stones and snowballs. And knowing these facts, one is prepared to accept as true the statements of the patrolmen that they do not dare to enforce the law because of the personal jeopardy in which they would place themselves if they did enforce it.

If the welfare of the boys of the State is made the first consideration, there will be an immediate cessation of the leniency bestowed upon those who trespass upon railroad property and steal the goods which the railroads transport. Those charged with the execution of the law whether policemen, sheriffs or railroad detectives will take every child found stealing from the railroad or trespassing upon railroad property into custody. The judges will cause the parents of these children to be brought into court before them and will make it clearly understood to them that they will hold them responsible for the actions of their children and that unless they prevent further trespass and depredation the heavy hand of the law will certainly fall upon them and that no interference on the part of the alderman or any other intermediary will avail.

We are developing a crop of anarchists in this State and those charged with the enforcement of the law and the imposition of penalties that will compel obedience to the law are responsible for the spirit of lawlessness that prevails among the young. Instances are not unknown by any means where parents who have attempted to compel obedience on the part of children have been brought into court and fined because in the judgment of the court the punishment was too severe. On the other hand, parents of children under fourteen years of age should be severely dealt with by courts if they do not keep their children in proper subjection to the laws of the land and the requirements of good citizenship.

How may train hopping for short distances within the city limits be lessened?

By the enforcement of law. Police justices, police departments of cities, sheriffs, their deputies, and railroad authorities can stop train hopping inside of thirty days if they are a mind to; the trouble is that they are not. Magistrates seem to be afraid of the expense bugaboo and the Banquo's ghost of re-election, and the alderman is always at hand to stay the execution of law which his oath of office binds him to observe, and so the ruination of young boys goes on because, forsooth, it will cost money and cost votes to prevent them from becoming criminals. At the present time no real attempt is made to enforce the law against trespass upon railroad property and the train hopping goes on with perfect immunity so far as the law is concerned.

It seems to be the impression that railroads haven't very many rights as against the general public, the hoodlum element of the public particularly. Whereas it is the duty of the city to protect the property of a private individual, that duty seems to cease with a railroad corporation, and the railroad must protect its own, although not having the power to enforce the law and being dependent entirely upon the courts for such protection. Unfortunately railroad detectives are looked upon with disfavor in courts and before juries, and the whole situation results disastrously to the welfare of boys.

It should never be lost to view that a spirit of lawlessness ignored or encouraged against any particular element of the community always reacts upon every other element of that community; therefore, those who view with complaisance depredations against the railroads are simply encouraging a spirit of lawlessness which is bound to cause them ultimate trouble and loss. There should be cordial and effective co-operation among all authorities charged with the enforcement of law in a strenuous effort to bring into court with his parents every boy found hopping freight trains, and once in court the action of the judge should be sufficiently unmistakable so that a repetition of the offense is not likely to occur. It is not so much the severity of a punishment as it is the certainty of punishment that counts.

What inquiries and actions on the part of the court are desirable in cases of young boys from out of town who have stolen a ride on the railroad in order to run away from home?

It would lessen this evil greatly if in such cases the boys could be turned over to the authorities of their home city to be dealt with there as they can be under the Code. It provides that children deserting their homes without good and sufficient reason may be brought into court; the parents of the children at the same time should be brought into court and compelled to give an account of their stewardship.

What are the chief contributing causes of car burglary? Unrestrained trespass upon railroad property, unpunished depredations winked at by local authorities, condoned by magistrates. There are thousands of people throughout the State of New York who make car burglary their only business and as young boys thousands more are being trained to the same nefarious occupation.

What can the railroads and others do to lessen these evils?

The first step necessary to the eradication of this great evil is to take the enforcement of the law entirely out of the hands of local authorities and put it into the hands of the State. The financial burden of its enforcement should be borne by the State and not by localities. A State constabulary such as it was sought to establish a few years ago would very soon solve this whole problem. Such a force would be removed from local political interference. The immediate taxpayer would not feel the burden of its enforcement and therefore the pressure to prevent its enforcement would be removed. The control of the county penitentiaries by the State, making them places of industry instead of idleness, so that a stay within their precincts would not be so agreeable to a certain class of depredators, would also greatly aid in the enforcement of the law. Above all there must be such an arousal of public sentiment as will seek to better home conditions among the poor, that shall solve the problem of lack of employment for those who are willing to work and now cannot secure employment; that shall provide support for women with families dependent upon them, whether the cause be widowhood, desertion or drunkenness. Immigration should be restricted so that only honest and moral immigrants shall be admitted to our shores, and the feeble-minded and epileptic segregated so that they shall not be permitted to bring forth another generation of in-

creased numbers of delinquents and defectives to be a burden upon the State.

Mr. Rothrock, Captain of Police of the Delaware & Hudson Company: The alarming extent of the fatalities upon the railroads of our country is of deep concern to all who feel that there must be some cure or relief for the proportion of such fatalities which are the outgrowth of "train riding" or trespassing upon railroad property. During the year ending June 30, 1911, the records filed with the Interstate Commerce Commission show that there were 10,396 killed and 150,159 injured. Of this number, 5,287 persons were killed and 5,614 injured while trespassing on the property of the railroads, walking on the tracks, or stealing rides on trains. In addition to this there were 453 killed and 10,799 injured where the railroads were not responsible. There were 292 employees killed and 954 injured while not on duty and in which case the railroads were not responsible. I do not think it is unfair to say in the light of my experience in investigating that perhaps 50 per cent. of the trespassers killed or injured were youths under the age of eighteen years.

There seems to be an almost irresistible temptation on the part of the average boy to visit the tracks of the railroad companies and either to at first watch the operation of the different elements of traffic or to attempt to participate in the activities that are so alluring to the inquisitive mind. And as the boy watches the railroad employees jump from car to car or watches the trains as they are switched from track to track his desire grows to emulate them as well as to appear clever before his companions. Soon the almost unbreakable habit of "train hopping" has control of the youth, and all that follows this habit becomes the concern of the officials of the railroad, the community and its courts and lastly the most concerned and most grieved — the home.

Many boys are first tempted to steal by the relationship existing between this allurements for "train hopping" and the opportunities which arise to enter cars, first in a spirit of fun but which soon offers a temptation owing to the many commodities that are found to be so easily taken from the cars without detection.

There is that in the visit of children to the property of railroads

which to my mind offers the greatest chance for moral perversion and that is the accidental association of young boys with hoboes, and many times the hobo is of that type known as yeggmen. To sit around a fire made by this human driftwood, carry the pail of beer, to steal the potatoes to roast, to take from their own homes certain utensils needed by these men, to swear and to smoke like them, to despise honest labor and look forward to a life of indolence and wandering, is but the fulfillment of ideals that have been gathered from cheap and improper fiction and from picture shows which in certain cities seem to have no censorship over the character of the reel shown.

Boys should not be placed under arrest for the first offense unless the offense amounts to a felony but rather should be subpœnaed and brought before the proper magistrate and an investigation made of the boy's career and his home conditions. The boy should be given every opportunity to feel that his manliness is being appealed to and that he is not under the scrutiny of every officer that he meets. Should he fail to improve under the treatment that would awaken manly qualities in his nature and return to his former habits and companions he should again be brought before the magistrate and placed under the watchful eyes and espionage of the probation officer and be compelled to report weekly or semi-monthly, as the court deems best, to the court or its representatives. Should this fail to correct the immoral tendency of the youth he should be committed to a truant school or a juvenile colony or farm to be taught the futility of the way of the transgressor and to be surrounded with things which inculcate self-respect at every point. I am strongly in favor of district juvenile farms for the correction of the wayward, mainly, because I have had some opportunity to observe them and know the benefits that result therefrom.

The gain to the individual child himself is the greatest benefit of all. Statistics show that only a small percentage of boys that are paroled from juvenile schools or juvenile farms go back to their habits of idleness and truancy. In a State where the population is so cosmopolitan numbers of boys arrested on railroad property are the offspring of men and women who are not worthy

of the names of fathers and mothers, and in such cases the magistrate can certainly best serve all concerned by committing the boy to a juvenile home or a juvenile farm.

I also favor the appointment by magistrates of probation officers, to supervise and direct the future conduct of delinquents. I firmly believe that the average boy rebels against such scrutiny as is too evident to those with whom he associates, and feels keenly once he is on the road to improved habits the disgrace of uniformed surveillance. Should the youth show no marked improvement in habits after the above application of control, is it not proper to say that there is something radically wrong at home and that the court should subpoena the parents or guardian of the youth and seek and demand an accounting of the method pursued under the parental roof?

"Train jumping" within the city limits is without doubt accelerated by the ease with which trains are reached. If the tracks were elevated or the streets depressed the control of the tracks could be made more perfect by the railroad officials and less chance to "hop" trains offered. While conditions are as they exist in most cities, where long distances are traversed by the roadbed of the railroad, in some cities through the principal streets, "train jumping" can only be decreased by the watchfulness and care of the officials of the municipalities and the railroad police working in unison. It seems that the spirit of trespass upon the tracks of the railroads of our country by our youth is as inherent as love of participation in the arrival in town of the big circus.

The average boy who feels the call of travel and who steals away from home by route of the "blind baggage" or the truck of a car needs but one experience of this kind to cure him of its supposed thrills. The magistrate can best perform its duty toward him by mere detention until his folks at home are notified and his past habits investigated, but if he is found to be habitual in "home leaving" he should be placed under the care and guidance of a probation officer of his home town.

Perhaps the most important phase of moral reflex on youth by his association with the railroad, is the danger that lurks in the

chance to steal and easily dispose of stolen property. The legislators of the different states have made much progress towards safe-guarding the youth against the temptations of stealing from railroads and disposing of their property, but laws cannot protect every evil of this traffic between boys and persons who encourage theft by becoming markets for their stolen wares. The court's strict enforcement of the law against guilty receivers of stolen property and the careful observation of the youth thereafter is perhaps the best remedy; but the ounce of prevention would appear to be the thoroughly patrolled and properly policed properties of the railroad companies so that temptation is decreased by canceling the opportunity.

I do not think the magistrates receive sufficient help from men and women generally who could do much to assist in the reforming of boys. So many of our influential men have opportunity to place boys in positions where they may learn a trade and become useful citizens but it is very seldom that a magistrate or a probation officer is voluntarily asked whether he has a delinquent boy that he could send to fill a position. Most boys only need the opportunity. To prove this let me cite you the following cases.

Some three and one-half years ago we were bothered considerably by a boy in this city. I had a talk with him and this talk resulted in his being given a position protecting a crossing in the city of Albany. Today if you were to ask the Superintendent of the Division who his best, most gentlemanly and neatest passenger brakeman was he would tell you his name was ———. When ——— was promoted in the service, in his place was employed a boy who only needed a chance. He is now in charge of other flag boys, draws all their supplies, issues the same and has supervision over them. Under him are several who only needed the chance. These boys since being employed have proved worthy of every trust placed in them, and I only hope that I retain my position long enough to see them promoted to more responsible positions.

I could cite you probably twenty other cases along our lines where I have suggested to the men under me that they employ certain boys and give them a chance. This has been done and in only one instance can I recall where the boy betrayed that trust,

so I say that we all, as good citizens should co-operate with our magistrates and probation officers in helping the unfortunate boy, or fellow man, who has made a misstep and should be given a new chance.

Judge Gill of Elmira: Dealing with boys apprehended for illegal train riding, trespassing in railroad yards and stealing from cars is a problem confronting the railways and magistrates particularly. The local police being engaged on post duty give only minor attention to the railroad yards in an effort to deter overt acts, although, as a rule, the police department is ready and willing to lend a helping hand subsequent to criminal commission.

One evening, about a year ago, attorneys representing the Erie, Lackawanna, Lehigh Valley, Pennsylvania and the Tioga railways met at my office and for an hour we debated the matter of pilfering from railways, especially in its relation to children. Thefts are usually committed by gangs. One gang stole from a car about a dozen Christmas trees and presented them to a public school, claiming to have gathered the stock from hills in the vicinity. The same gang habitually destroyed car seals causing much confusion to the railroad authorities. All were under the age of twelve. The parents were summoned to court and signed agreements to keep the boys away from railroad yards. The plan succeeded.

A lad of eleven caught stealing coal was held in custody of the police matron until the father, a man steadily employed, was summoned to court and he, too, signed the promise and paid court costs.

Usually the parent is morally and criminally responsible for the acts of the coal stealing child, but under our criminal code it is difficult to get a conviction against him. Jurors will give coal thieves the benefit of doubt, often stretching a point to do so. At this season in Elmira from 1,200 to 1,500 cars of coal lay in the yards over night and I have been reliably informed that when consigned to retailers the dealer gets no redress for shortage from the railroad company. It is a common practice to board these cars and, after pushing quantities of coal to the ground, fill bags and carts. Sentinels give warning of danger and when it comes the coal thieves scatter and too often evade capture.

I believe that in 75 per cent. of the cases of car larcenies, and especially coal stealing, the parents have guilty knowledge. Not long ago I encountered a boy of ten who confessed that he had for a considerable time stolen from one to two bags of coal weekly for a poor washing woman who gave the boy fifteen cents each time to pay for the coal, believing he purchased it from a dealer. Lust for funds to visit picture shows tempted the lad. His deportment improved under probation.

Train riding is an evil practiced largely on Saturdays, Sundays and during vacation. The trainmen could aid in discouraging this practice by concerted and stable action. Two boys of a graduating class recently "hopped" a freight train to go a few miles from the city and watch for Aviator Rodgers. A railway official brought them before a police sergeant who released them with instructions to report in court the following day, which happened to be Saturday. Then I learned that neither had told his parents of his predicament. "Go home," I said, "and I will give you until next Wednesday to tell your respective fathers, and on Saturday next each of you must bring to me a note stating your parents know you got caught. Next Thursday I will write your parents." The effect upon the boys was marvelous. Both pleaded with me to be more merciful. Neither owned up at home until the last moment. Their anguish was severe punishment, but I believe the remedy suited the case.

As to out of town boys caught train hopping they are held and their parents notified at once by the police. Usually word comes to send them home by passenger train.

Unless a boy be weak or inclined to evil there is, I believe, little moral danger from trespassing in railroad yards. The boy desires to satisfy an appetite for observation. Many of us, no doubt, in our youthful days hopped trains. The physical dangers are obvious, yet examples of severed limbs and loss of life seem not to deter the red-blooded boy inclined to gain experience from action rather than from newspapers or story books. I encourage public library patronage.

So far as concerns the average boy gangs who commit car burglaries and larcenies, their acts are due largely to a craving for excitement engendered from reading cheap blood and thunder

literature, so-called, and to the harmful theatrical dramas and picture shows. Many boys stealing from railroads wouldn't think of breaking into a house or store. They seem to have little respect or consideration for corporate rights and do not usually realize the extent of annoyance and damage for which they are responsible. Boys brought before me have it impressed upon them the fact that even to trespass upon railroad property will be cause for demerit mark.

If railways are to lessen the evils complained of, it behooves sincere co-operation with the railway detectives and city peace officers by all grades of railway employees rather than spasmodic help after some big job has been pulled off by an adult gang. Too often citizens able to furnish information against railroad thieves close up like a clam when approached by officers. They forget that even the corporations are entitled morally and legally to protection.

In conclusion: I believe that the State through its school system owes a great obligation to society. We cannot be too vigilant and energetic in inculcating into the youthful mind moral responsibilities — direct the boy to detect and depict more readily right from wrong. Indeed the State is doing much along moral lines, but it can do more, I believe, even though it be necessary to cram less technical knowledge into the youthful brain. The other day I was compelled to send to Father Baker's school at Buffalo a nine-year old child. He had been kicked from teacher to teacher, from school to school, and his greatest sin appears, in my estimation, to have been his unkempt appearance. His mother was in the hospital and the father worked nights. Found out after the curfew hour, even the newspapers depicted him a rascal. No doubt he possessed the usual God-given talents. If we had such men as Superintendent Briggs of the State Industrial School, and Father Baker and like characters as school teachers and principals their sympathetic natures would guide aright many boys who now go astray because no sympathy is extended to them. We all court affection and sympathy, no matter how much we may deny it. The teacher fully occupied by nerve racking responsibilities perhaps too often loses sight of the real condition. We find out things from our helpers such as the probation officer, humane

society and truant officer. What I have here related is but a fly speck, as it were, on the mirror of facts known to us all.

Judge Cantline of Newburgh: This subject is very important for the reason that it deals with the youth. The consideration of cases where the youth is brought before the court, is the most important function, I believe, of the magistrate's court. The youthful misdemeanant of to-day, if unchecked, in all probability will become the confirmed offender of tomorrow, adding dollars and dollars to our taxes.

There can be no question about the physical risk attendant upon trespassing on the railroad property. I don't suppose there is a man in the room, especially among those who come from country districts, who has not had a boy acquaintance or perhaps two or three, who have lost a limb or even a life, because of trespassing upon railroad property. Two of my schoolmates are going about the streets of the city of Newburgh, one without a leg, and one without an arm, and as Mr. Briggs has stated, the moral risk is just as great or much more so.

Now, to the railroad lines is attracted the tramp, who wants to go from place to place by the easiest means, and also the criminal who wants to get from the scene of his crime. Especially in the summer time the boys in cities such as Newburgh flock to the railroad, and on the outskirts where there are no police they find the tramp camps. The tramp desires these boys for immoral purposes; to steal food; to beg money; to buy rum and rush the can. The boys listen to the smutty talk and tales of adventure, and are incited to lead the life of the tramp. The boy is either weak, or he is strong, full-blooded and desirous of an adventurous life. There we have the beginning of the wander-lust, the starting upon the tramp life, and they get it right there at the railroads.

The difficulty is how to prevent hopping upon trains for short rides, which eventually lead to longer rides. The method I have adopted is through co-operation on the part of the court, the police officials, the railroad officials and the railroad employees. If a boy is seen hopping on a train, it is mighty hard to catch him. Get the name of the boy, if possible, if you cannot catch him. Generally in a small city like Newburgh you will find a boy who knows the boy's father; report that boy and send for him and his parents.

When the parent and the boy are brought into court, that usually stops that boy's hopping. If the hopping is repeated, bring the boy in again and place him upon probation, and have him report once a week, and impress upon his mind that he must not violate the law. Probation is successful in cases where the first warning is not. If he becomes a repeated offender, send him to some school where he won't have the opportunity to trespass upon railroad property.

Taking up the subject of stealing from the railroad, I find that many of the cases of car burglary are caused by the boyish curiosity to know what is in the car. Others are caused by the desire to get in a car for something to eat. This is especially true in the summer time when the boy is beginning to be delinquent and neglects to go home for his meals. Sometimes they are impelled by the desire of getting goods to sell. That is a bad trick and should be punished.

Coal stealing occurs all the year, but is more prevalent in the winter time. Sometimes it is caused by unfortunate circumstances,—there is no coal in the house. The boy goes to the railroad yard and commences picking up the coal along the tracks. That doesn't do anyone harm because the coal is wasted. Then he sees the coal car and commences picking coal from that and continues to do so until he is caught. Of course it is morally wrong and the boy should be checked right there.

Sometimes the parent is morally wrong too. There is the parent who forces the child out to get the coal and sell it. I have known of cases where the boy must go and bring it home, and it is sometimes exchanged for rum and tobacco. When I find cases of that kind, I send for that parent and put it up to him; and if he cannot buy enough coal to properly cook the food and warm the house, I say to him that I will get the coal from the proper authorities. I have found that many times it is not the desire to get coal, but to barter coal for rum that inspired the stealing.

Some years ago in the city of Newburgh there was a gang of schoolboys which commenced loitering about the railroads. At that time there wasn't the activity in the railroads to keep those boys off the railroad property that there is now. Those boys came into contact with tramps and loafers and were incited by

the tales of adventure and by dime novels and they developed into a gang that was named, "The Bridge Gang," and for over ten years they terrorized the neighborhood. They didn't stop at petty larceny; they committed murder. It took ten years of prosecution to break up that gang after its members had once developed the criminal instinct. They were all under sixteen years of age when they started, and some have been electrocuted; some were sent to prison for life; and now and then we see accounts in the newspaper where some member of this gang has been sentenced to life imprisonment in Texas or elsewhere. This shows that this tendency to frequent railroad tracks if unchecked is apt to develop into confirmed criminality and to result in the loss of many dollars to the community.

DEFECTS IN THE METHODS OF SECURING AND USING INTERPRETERS.

Mr. Speranza, Counsel to the Italian Consul-General at New York:* An ancient and much honored Italian proverb says: "Traduttore traditore" which, as a play of words may be freely translated into "translator traducer." I have often thought of this proverb when listening to some court interpreters who, sometimes through ignorance, sometimes through carelessness and sometimes through mere physical weariness of their trying work, seemed charged with the duty of translating the non-essential and omitting the essential in an alien witness' answer.

The work of the interpreter in our courts is a tremendously difficult one. If we consider how troublesome it would be for most of us to quickly turn some of our own slang phrases into good English, we can readily appreciate the problem that confronts the official interpreter when he has to promptly translate a long succession of questions in English into what is often then a foreign dialect and as promptly retranslate the voluble answers of alien witnesses into intelligible English. Add to this that while our system of producing testimony aims to confine issues by excluding all extraneous conversations or references, the alien witness is often voluble by habit, inexact in expression and emotional

* Mr. Speranza was unable to attend the conference, but sent this paper which was ordered printed.

in character, and we will understand further the problem of our interpreters. I have often asked young men born on the other side and well educated in our schools and colleges whether they would enter the interpreter service, and the answer of one is typical of all: "I think if I attempted it for a week I would break down worrying, thinking I had made a mistake." I cite this as shedding light on the question to be later considered regarding the selection of interpreters.

If I were to summarize the problem of interpreters as it affects aliens charged with crime — and specifically Italian immigrants charged with minor offenses, I would say that the only really safe way for them — is not to get into court.

If this seems extreme I will cite cases within my knowledge (which I think could be easily duplicated) of an alien who was tried and convicted without his knowing what the charge against him was and of others where the alien accused was advised to plead guilty although he had a good defence. And the advice was often substantially just, owing to the impossibility of presenting such alien's defence properly or convincingly through official interpreters.

These are cases of foreigners who cannot communicate directly with their counsel and through the same lack of reliable interpreters cannot make out their case with the court. It is often safer to plead guilty and rely on the mercy of the court than to go through the form of a blind proceeding, for, as it has been well said, "the non-English speaking alien holds all his relations with the court through the intermediation of the interpreter. His hope of justice depends on this official." Yet it is an intellectual impossibility, for instance, for an interpreter to understand and speaks all the dialects of Italy, varying from the Gallic-influenced Piedmontese of the North and the harsh Genoese to the divers dialects of Sicily with their mixture of Arabic, Greek and Norman.

A non-English speaking person accused in our courts has no opportunity to hear or at least to understand the testimony of English speaking witnesses against him. Under our fundamental law every person accused of crime has the constitutional right to be confronted with the evidence brought against him. That such

right is theoretical in the case of an alien who does not speak English is obvious. In one case in which the Italian embassy sent me south to defend certain Italians who, being held in peonage had rebelled and had been arrested, charged with conspiracy, this very constitutional right was raised. I shall not attempt to enter into this debatable question of law other than to say that the highest court of first instance of North Carolina upheld the contention and ordered that all the testimony adduced in English should be translated into Italian. But whether this is good law or not — let us imagine as a practical question what we would think if this constitutional safeguard were applied to us in the way it is applied to the alien. Suppose any of us lawyers were accused of crime in a French court, and in order to make the case parallel, that we were so poor and friendless that the trial judge would have to assign one of the lawyers about court as our counsel, a man that probably would think it would be little loss if we were sent to State prison. Then suppose that the only testimony which we understood was that furnished by ourselves taking the stand. Does any lawyer here feel that he would be fully protected in his constitutional rights? This of course cannot be laid against interpreters, but it is pertinent in showing the immense responsibility resting upon them and the urgent necessity that the State should exercise the utmost care in their selection. For the State as well as the individual must hope for, and aim at justice.

Recognizing its difficulties, can it nevertheless be said that the present system of interpreters in this State is satisfactory? No one, I think will assert that it is. What are its main defects? It selects interpreters by unreliable tests or methods and it selects very often unfit men; it is unattractive to able and fit men not merely because the remuneration offered is relatively small but because the system itself is not in good repute.

I can do no better than to cite here from the report of our State Immigration Commission which gave painstaking study to this subject.

Investigations made by the Commission, and testimony taken by it, in the lower criminal courts in New York city, Albany, Syracuse, Rochester and Buffalo, and correspondence with magistrates, municipal judges, court clerks and police captains, show

that the corps of interpreters is insufficient as to its constituent numbers, and that the system is imperfect, ill administered and, in numerous instances, carried into execution by ignorant and incompetent men.

Interpreters in New York city fall into three classes: (1) Interpreters serving in the municipal courts; (2) those serving in the magistrates' courts; (3) those serving in the various municipal departments and bureaus.

Magistrates' Courts. In the First Division the appointing and assigning power is delegated to the President of the Board of Magistrates. The ability of interpreters is also in many instances unsatisfactory. Only one of the interpreters examined by the Commission seemed thoroughly conversant with Italian dialects, and two others were deficient in English. The examinations to which applicants for appointment for interpreters are subjected are not framed so as to secure the best man.

A still more serious evil exists in magistrates' courts. A large part of the interpreter's time is diverted from his normal work to that of performing the duties of assistant clerk. The small number of clerks cannot cope with the burden of clerical work, and the interpreters are called upon for assistance.

In the Magistrates' Courts of the Second Division (Brooklyn, Queens, etc.) the number of interpreters is insufficient. Despite an immense increase in the foreign population of Brooklyn and Queens no corresponding increase has been made in the number of official interpreters. Interpreters are appointed and assigned by the full board, which is so busy with other matters that interpreters receive but little attention. Interpreters are usually required to cover two or more courts and frequently no official interpreter is present when non-English speaking aliens are arraigned, and it is necessary to employ unofficial interpreters.

Testimony adduced before the Commission showed that one of the interpreters examined was a lawyer who was also in the real estate business, and, to use his language, "there is no statute or laws or the etiquette of a gentleman that stop me from practicing, any more than I would not handle anything that conflicts with my duties." One of the witnesses examined was a policeman who has habitually served as interpreter, a practice largely pur-

sued and manifestly improper and unfair. The study of conditions outside of New York city has revealed that detectives have also served in this capacity. The system of going into the street and picking up bootblacks and others of like degree of education to serve as interpreters is scandalously improper. This impropriety is further illustrated by the fact that a professional bondsman has been drafted into service as an interpreter. The employment of makeshift or volunteer interpreters would be rendered unnecessary if the entire service were thoroughly overhauled and systematized.

The conditions in other cities of the State are much better than in New York city. The need for interpreters there is less acute, since a smaller percentage of the population is foreign-born, and most of the aliens have lived long enough in this country to understand the language. There are no official interpreters in the lower courts of Albany and Rochester, as apparently there is not enough demand to warrant their appointment. In Syracuse, where there is a considerable population of Italians and Poles, there are no official interpreters, but two detectives, one Italian and one Polish, are detailed from the office of the chief of police to interpret in the police courts. This situation is undoubtedly irregular since arresting officers can scarcely be said to be sufficiently impartial to serve as interpreters. In the police court in Buffalo there is a regularly appointed interpreter for Poles, who seems well fitted for his work.

The Commission finds that since so much of the alien's relation with the courts is through the interpreter, he is placed under peculiar disadvantage by the conditions which now exist. This is increased by the insufficiency and inefficiency of the interpreter service, due to inadequate examinations to determine fitness, as well as to defective methods of assignments to the various courts. While the assignment of interpreters and other administrative matters are primarily within the power of the courts and judges to adjust, the Commission believes that existing abuses could be obviated if there were some State bureau or department of the character hereinafter recommended to investigate the qualifications of and maintain some supervision over the appointment and removal of interpreters and the manner in which they perform

their duties. Such a bureau might test the competency of future interpreters and could also render effective service by co-operating with the State Civil Service Commission in securing better interpreters.

Having rehearsed the defects of the existing system and the difficulties inherent in the problem — what suggestions can be considered for improvement? Personally I believe that many of the existing evils or defects would be overcome if we could get into the service a better grade of men than the present methods permit or do not forbid to enter. I do not mean by this to condemn all good men now engaged in this difficult work — but I do mean that the good men in it would be heartened and encouraged by an influx of high grade men and that there is decided need of weeding out. The system needs “toning up” — it needs a personnel that will make the public as well as practitioners in the courts feel that the system is represented by a body of professional men of standing officers of the court charged with responsible and delicate duties who must perform their work absolutely above suspicion. They ought to be a well paid staff with due recognition that the lower courts require greater expertness and a strong moral fibre to withstand temptation than the higher tribunals.

Next we should not expect a man to be possessed of the qualifications as interpreter in more than one language, or in two at the very most in the case of certain languages having similar philologic origin. Nor should we allow interpreters to practice, directly or indirectly any other profession or trade or to hang around the court when not wanted. The staff in the larger cities should be centralized in a bureau which should be their headquarters (separate from any court house) and from which they could be assigned or called.

Infinitely more care should be exercised in their selection regarding their moral qualifications. A method not unlike that applied now by the Committee on Character on the admission of Attorneys might be used, the Committee to consist of a joint board of judges and professional men.

But what of the methods of testing the professional or intellectual qualifications? A higher preliminary education should certainly be required and a man should be tested not merely as

to his linguistic ability but to his knowledge of the history, peoples, dialects and customs of the country whose language he is to officially interpret. To whatever Civil Service Boards could do to strengthen such tests another requirement ought to be made obligatory by law: that no one should be licensed who has not a certificate of linguistic ability from the resident or accredited consular officer representing the people whose language the applicant offers to officially translate. And in all cases where such applicant is foreign born the consular certificate should bear faith of the man's good character in his native country. Let it not be thought that the enlistment of such consular co-operation would result in an undue interference with the administration or procedure of our courts.

Co-operation between the consular officials of Italy, for instance, throughout this State, and our Surrogates and Coroners has resulted in the beneficent and lawful protection of hundreds of thousands of dollars of estates of poor laborers. In the fifteen years that I have been engaged as counsel to the Consul General of Italy, I have seen only good results and substantial justice achieved by the co-operation of American authorities with the accredited officials of friendly Powers.

To apply all these suggestions means a very large increase in the expense of the service. But surely the money would be well spent not only on grounds of justice but on grounds of patriotism. When we consider how many of our aliens judge of the value of our institutions by the justice they get in our inferior criminal courts — that our hope to assimilate them rests largely with making them feel that this is a government of just laws fairly and impartially administered — we will then appreciate that money spent for daily object lessons to them in fair judicial hearings and trials is an acceptable burden on the State fund for civic improvement. The dangerous alien criminal knows the weakness of our interpreter system and knows that he can, at times, mislead an honest and incorruptible judge through the weakest link in the chain of court procedure — the official who translates for the judge as well as for the accused. Let us therefore, above all, have men to interpret, whom the alien criminal will feel are as incorruptible as our judges.

Thousands of aliens brought before our courts, come there through violations of ordinances or for petty misdemeanors. They are not criminal or dangerous — but they may become so if they do not understand what they are charged with and what are their rights. Punish them surely, if they have broken any law or ordinance, but make the procedure through the interpreter however summary and rapid, a clear lesson to them of American judicial procedure, rather than a puzzling visitation of a penalty.

I have worked many years among the immigrant class — I have studied and tested ways and means suggested by philanthropists and students and workers for the assimilation of the great foreign mass that seems at times such a menace to the institutions of our Commonwealth. But of all tried and of all planned and of all dreamed there are only two effective ways. The first and foremost is the great system of public schools throughout the Republic; but this is especially for the younger generation. The second — and the one most effective for our adult aliens — is to instill into them a wholesome respect for our courts — a sense that in them, despite their alienage, they will find fair play and even justice. But whatever you magistrates throughout the state may wish to do towards this great end, bear in mind that it may be not only nullified by your interpreter, but that through him your uprightness and your good name may suffer.

Judge Putnam of Amsterdam: Amsterdam is a town of about 32,000 people. Our last census shows we have a foreign population of 15,000. Of that population 11,500 are Polish and Lithuanians, and the balance are Italians. I have interpreters. There is a fund set aside for that purpose and I approve of that sort of thing. The serious question that we have there is this. Very often some person will get into trouble with somebody else and come to court to make a complaint, bringing his own interpreter. That interpreter represents them in a legal capacity and secures a fee, and after he has done that you will notice an attitude on his part of trying to collect another fee from the court. A man who acts that way is not on the level.

The type of men you get in police courts, as interpreter, is very unsatisfactory. These 15,000 people are of three different lan-

guages, Polish, Lithuanians and Italians, and you cannot get one man who speaks the three languages. Although a great many Lithuanians can understand Polish, not all of them can; so sometimes it necessitates the securing of Lithuanian interpreters.

I do not think an interpreter should be had unless it is absolutely necessary. A great many people who speak the foreign language insist that they cannot talk English, and I discourage that as far as possible, because you can get better results by talking directly to the witnesses than you can through an interpreter.

I will not allow the interpreter to charge a defendant for his services. I always require an interpreter to take an oath. I have an Italian interpreter whom I employ regularly and he has taken an oath which covers the period of my office, so he is under oath all the while. With reference to the Polish and Lithuanian interpreters, I am not in a position to have regular interpreters. The common council looks upon the tax side of the situation, and I cannot get sufficient money to employ a regular man. It is very unsatisfactory. We should have a regular interpreter.

BUSINESS AT FIRST SESSION.

Report of Secretary-Treasurer.

President Brady: We will now call on Mr. Towne for his report as secretary.

Secretary Towne: Since the last State Conference of Magistrates the three principal pieces of work that have devolved upon me as secretary-treasurer have been the editing of the proceedings of the Second Conference; work in connection with certain bills before the Legislature of 1911, and the preparations for the present Conference.

I regret that owing to the pressure of other business it was impossible for me to edit the proceedings of the last Conference as early as I wished, and that owing to circumstances over which I had no control, they could not be published until this fall. Before publishing the proceedings a copy of the remarks of each

speaker was sent to him for any corrections that needed to be made. The proceedings were published as an appendix of the fourth Annual Report of the State Probation Commission, and fill 85 pages. The proceedings have been sent to all who attended the last Conference, and to all magistrates and magistrates-elect in cities and villages of over 5,000 population as well as to a large number of other persons.

During the session of the Legislature I endeavored to keep informed concerning legislation that pertained to the work of magistrates' courts, and I supplied members of the executive committee with copies of the more important bills. I sent a copy of the resolutions adopted by the last Conference to the members of the Legislature. At the direction of President Brady I sent out a circular letter, signed by him, to all magistrates of cities and villages outside of New York city, urging them to write to the chairman of the Ways and Means Committee of the Assembly in behalf of the bill to establish a State reformatory for male misdemeanants. I also appeared with President Brady and Judge Valentine of Troy before the Ways and Means Committee in support of this measure, and assisted Judge Brady in urging the passage of the bill to establish a farm colony for vagrants.

After consultation with the members of the Executive Committee of the Conference, I invited the speakers for the present Conference, and had the program printed. The program and various notices about the Conference have been sent to all magistrates entitled to attend the Conference, and a special directory of such magistrates has also been prepared and distributed. About 900 pieces of mail matter have been sent out in arranging for the present Conference.

There have also been different minor matters that have received my attention when necessary.

The expenses of publishing and distributing the proceedings of the last conference, and of arranging for the present conference have been met by the State Probation Commission. The Commission has an appropriation of \$200 available for conference purposes, and it has voted \$100 of this amount to defray the expenses of holding the present conference. The State Probation Commission will also be willing to publish the proceedings of this conference.

President Brady: If there be no objection I will at this time appoint a committee on resolutions and a committee on nominations. I will appoint as the committee on resolutions, Judge Kempner of Brooklyn, Judge Davis of Rome, and Judge Fairlee of Schenectady. As members of the nominations committee, I will appoint Judge Chadsey of Rochester, Judge Dodd of Brooklyn and Judge Gill of Elmira.

Judge O'Connor of Utica: I move you, Mr. Chairman, that if there be any means or method of doing so, we have this address of Commissioner Wade printed and distributed.

President Brady: You have heard the motion and it is seconded. All those in favor, please say aye. The motion is carried.

Judge Piper of Niagara Falls: I would offer this resolution:

WHEREAS, The State of New York has provided reformatory institutions for minors with the exception of boy misdemeanants from 16 to 21 years of age, and

WHEREAS, Several thousand of these boys each year are committed to the county penitentiaries and county jails where the conditions tend to degrade them and impair their usefulness, and

WHEREAS, The State owes the obligation of guardianship to such minors and is violating its legal and moral responsibility in not furnishing reformatory influences during these formative years; be it

Resolved, That the State Legislature be requested to make provision for a State reformatory for male misdemeanants between the ages of 16 and 21 where such misdemeanants may be committed on indeterminate sentences and instructed in trades and letters and agriculture; be it further

Resolved, That a committee of three be appointed by this Conference to present this proposition to the Governor and Legislature.

President Brady: That matter will be referred to the committee on resolutions and we expect that committee to report tomorrow.

Dr. Lewis, Secretary of the Prison Association of New York: It seems to me what we need in this State is a program. Some of us are talking about feeble-minded institutions; some about a reformatory for misdemeanants; some about the need for extension at Hudson and another institution for girls. When the Legislature of 1912 meets we will go up there after appropriations, and the Ways and Means Committee of the Assembly, and the Finance Committee of the Senate, will say, "Why don't you people get together?" It seems to me that the time has come in this State when the Commission of Prisons, the State Board of Charities, and the State Charities Aid Association, the Prison Association, the State Probation Commission, and the Conference of Magistrates, and other representative bodies, should get together on a correctional program. This is not my own idea. I asked Mr. Hebbard, the Secretary of the State Board of Charities, for his permission to bring up this matter this evening.

Judge Piper of Niagara Falls: I have a resolution here which I would like to present.

Resolved, that this third Conference of City and Village Magistrates, recognizing the urgent need of better and more accommodations for inmates at the New York State Training School for Girls at Hudson, do again urge upon the Legislature the necessity of making suitable appropriations for the enlargement and betterment of that institution.

AT SECOND SESSION.

Judge Dooley of Brooklyn: I beg to offer the following resolution:

Resolved, That the matter of the remedy of the present apparent abuses in relation to the prohibition of the receipt of cash in lieu of bail, the acceptance of a plea of guilty within a reasonable time of the commission of the offense, especially to pleas of guilty of assault in the third degree in the city of New York, and the more speedy disposition of criminal cases, be referred to the committee on resolutions with a view of calling these matters to the attention

of the several Bar associations in the State for their action by the general conference.

President Brady: I have here a letter from an attorney in the city with the request that the same shall be read and after the reading of this letter we will adjourn for luncheon.

ALBANY, December 9, 1911.

State Conference of Magistrates, Hotel Ten Eyck, Albany, N. Y.:

GENTLEMEN.—As editor of the New York Criminal Reports published by W. C. Little & Company of this city and containing reports of all criminal cases decided in the courts of record of this State, with notes and annotations, I have from time to time been able to publish therein opinions written by police magistrates in cases before them, which have, I believe, proved a valuable feature of the work as such opinions are not published in any other series, official or otherwise.

Whenever any of you write an opinion in a case of sufficient importance involving some more or less novel point of law, it would be a favor to the undersigned, and add value to the series, if you would furnish me with a copy of such opinion and I would be glad to publish it in the series.

Several of the New York city magistrates have been from time to time so furnishing me with opinions, and I would be very glad to have others do the same.

Very truly,
CHARLES H. MILLS.

AT THIRD SESSION.

Judge Chadsey of Rochester, Chairman of the Committee on Nominations: We report the following nominations. For president, Hon. Otto Kempner, Chief City Magistrate, Second Division of New York city; vice-president, James K. O'Connor of Utica; secretary-treasurer, Arthur W. Towne, Albany; other members of the executive committee, John J. Brady of Albany; Joseph A. McConnell of Watertown; Alexander J. Byrne of Seneca Falls.

(It was moved and seconded that the secretary cast one ballot for the officers named in the report of the committee on nominations. This was done and the nominees were declared elected.)

Judge Kempner of Brooklyn, Chairman of the Committee on Resolutions: The Committee on Resolutions has agreed upon the following report: Your committee has come to the conclusion that the suggestion made by Dr. Lewis, and accredited by him to Commissioner Hebbard, is worthy of our adoption, and that by the adoption of that suggestion we leave all matters embodied in the several resolutions referred to in our report to the consider-

ation of a special committee to be appointed pursuant to the idea suggested. The idea suggested was that a general conference be held among a number of public and private organizations whose objects all tend in the same general direction, and that by concentrating our efforts through a general conference we will be more apt to accomplish results and avoid working at cross purposes. It is therefore proposed that a general conference be held in which the following organizations shall participate: the State Board of Charities, the State Commission of Prisons, the State Charities Aid Association, the State Probation Commission, the Prison Association of New York, the State Conference of Societies for the Prevention of Cruelty to Children, the State Association of Magistrates, and any other organization that may be agreed upon by the executive committee to represent us at any such general conference that may be called, and that our delegates advocate at this general conference the adoption of the following points:

First. A policy by the State of providing for the establishment of new institutions and the enlargement of existing ones, devoted to the care of delinquent persons, through the issuance of long term bonds by the State;

Second. The establishment by the State of a custodial institution for the treatment of feeble-minded persons convicted of crime, together with some preliminary institution to serve as a testing house in order to determine if persons charged with crimes are or are not mentally defective;

Third. That the State Legislature make provision for a State reformatory for male misdemeanants between the years of 16 and 21, where such misdemeanants may be committed on indeterminate sentences and where they may be properly trained and educated;

Fourth. That the Legislature make the necessary appropriations for the enlargement and betterment of the New York State Training School for Girls at Hudson, and for the possible erection of another girls' training school to be located in the Western section of the State;

Fifth. That the matter of the remedy of the present apparent abuses in relation to the prohibition of the receipt of cash in lieu of bail, the acceptance of pleas of guilty within a reasonable time

after the commission of the offense, especially to pleas of guilty of assault in the third degree in the City of New York, and the more speedy disposition of criminal cases, be called to the attention of the several Bar associations of the State by the general conference.

Respectfully reported,

Committee on Resolutions:

OTTO KEMPNER, Brooklyn.

GEORGE A. DAVIS, Rome.

ALVAH FAIRLEE, Schenectady.

Judge Wilkin of Brooklyn: I move that the report of the committee be received, and that their recommendations be approved and adopted by the Conference.

(The motion was seconded and carried.)

Judge Dodd of Brooklyn: It has occurred to me, going back to the resolution calling for the appointment of a committee to confer with other organizations, that as this conference committee will undoubtedly recommend legislation and as the Legislature meets here in Albany, it would probably be a very good thing to have the police justice of the City of Albany a member of that conference committee. Knowing the modesty of the president, Judge Brady, and fearing he might not appoint the police justice of Albany, I move you, sir, that the police justice of Albany be a member of that conference committee.

(The motion was seconded and carried.)

President Brady: I will be very glad to do all I can to help any movement that this organization may suggest. I will appoint Judge Wilkin of New York, chairman, Judge Stephens of Rochester, and pursuant to your vote, the police justice of Albany.

Judge Merrill of Glens Falls: Recorder Gill was called away and asked me to present this resolution:

“Resolved, That the members of this conference extend a vote of thanks to the officers of this body for their diligence and faithfulness, and also to the newspapers of Albany, the Associated Press and newspapers generally for their co-operation and expressions of good will.”

I move the adoption of this resolution.

(Motion seconded and carried.)

Judge Kempner of Brooklyn: On the suggestion of Judge Wilkin and the secretary, I desire to add the name of the following organizations to those that are to be invited to the general conference. In other words, I move to amend the report of the committee on resolutions by adding the Criminal Courts Committee of the City of New York, the Superintendent of Prisons, the State Societies for the Prevention of Cruelty to Children, and any other organizations that may be agreed upon by the executive committee of the general conference.

(The motion was seconded and carried.)

Judge Kempner of Brooklyn: I desire to offer an amendment to the by-laws, article one, which relates to the name of this body. The name we go by at present doesn't properly convey the idea of the nature of this organization, and I desire to substitute the word "association" in the place of the word "conference," so it will read, "The New York State Association of Magistrates."

(The motion was seconded and carried.)

BY-LAWS

Adopted December 10, 1910; amended December 9, 1911.

PREAMBLE

The New York State Association of Magistrates is formed to promote an interchange of ideas and experiences concerning the work of courts of inferior criminal jurisdiction and children's courts; to develop a consensus of opinion as to the wisest methods and most desirable improvements in such courts, and to promote appropriate legislation.

Article 1. Name.—The name of this organization shall be the New York State Association of Magistrates.

Article 2. Membership.—All magistrates and magistrates-elect of courts of inferior criminal jurisdiction in cities and in villages having 5,000 or more population, and all magistrates or magistrates-elect or appointed of children's courts shall become members upon enrolling their names with the secretary; and other persons especially interested in the work of such courts may become members upon being elected by the executive committee. The executive committee, in its discretion, may fix and collect an annual membership fee of not exceeding one dollar, but there shall be no other assessments.*

Article 3. Officers and committees.—There shall be a president, a vice-president, and a secretary-treasurer, who shall be elected at the annual meeting and shall serve until the next annual meeting. The duties of these officers shall be those generally required of such officers.

The president, vice-president, and secretary-treasurer, together with three other members to be elected at the annual meeting, shall constitute an executive committee. At least one member of the executive committee shall be a magistrate of a city of the first class; at least one a magistrate of a city of the second or third class; and at least one magistrate of a village.

The executive committee shall have general charge of the affairs of the association between meetings; shall choose the time and place, and make arrangements for the annual meeting; and shall consider any bills that may be introduced into the Legislature affecting the work of courts of inferior criminal jurisdiction or children's courts, but it shall have no power to act in the name of the association in approving or disapproving proposed legislation, unless authorized so to do by the preceding annual meeting, or by vote of the members taken by mail as provided by Article 4.

Vacancies among the officers or other members of the executive committee shall be filled by vote of that committee.

Article 4. Miscellaneous.—Whenever a vote is taken on any special subject by mail between meetings the secretary shall mail a copy of the proposed resolution, together with a request for a vote, to each member at least five days before the votes are to be counted, and a majority of those voting shall control the vote.

These by-laws may be amended by a majority vote at an annual meeting, or by a majority vote taken by mail.

Roberts' Rules of Order shall be the parliamentary authority in matters not covered by these by-laws.

* It has never been necessary to require any fee.

**List of Persons Attending Conference of Magistrates in Albany, December
8 and 9, 1911.**

Hon. John J. Brady, Police Justice, Albany.
Hon. Henry Putnam, City Recorder, Amsterdam.
Hon. Israel Belanger, City Recorder, Cohoes.
Hon. William C. Gill, City Recorder, Elmira.
Hon. Carl M. Merrill, City Judge, Glens Falls.
Hon. John V. Whitbeck, City Judge, Hudson.
Hon. Bernard J. McAleese, City Judge, Lackawanna.
Hon. William J. Hooper, Police Justice, Lockport.
Hon. A. C. N. Thompson, City Recorder, Middletown.
Hon. George C. Appell, City Judge, Mt. Vernon.
Hon. Peter Cantline, City Recorder, Newburgh.
Hon. Otto Kempner, Chief City Magistrate, Brooklyn.
Hon. Charles J. Dodd, City Magistrate, Brooklyn.
Hon. Edward J. Dooley, City Magistrate, Brooklyn.
Hon. Howard P. Nash, City Magistrate, Brooklyn.
Hon. Robert J. Wilkin, Justice, Court of Special Sessions, Brooklyn.
Hon. Charles H. Piper, Police Justice, Niagara Falls.
Hon. George J. Smith, City Judge, North Tonawanda.
Hon. George W. Stevens, City Judge, Rensselaer.
Hon. John H. Chadsey, Police Justice, Rochester.
Hon. George T. Davis, City Judge, Rome.
Hon. Alvah Fairlee, Police Justice, Schenectady.
Hon. James F. Byron, City Judge, Troy.
Hon. J. K. O'Connor, City Judge, Utica.
Hon. Joseph A. McConnell, Police Justice, Watertown.
Hon. Francis T. Moynihan, Police Justice, Batavia.
Hon. Roscoe D. Miller, Police Justice, Catskill.
Hon. Thomas F. J. Connolly, Police Justice, Port Chester.
Hon. Alexander J. Byrne, Police Justice, Seneca Falls.
Hon. William Ryan, Police Justice, Solvay.
Hon. S. Alton Ralph, Police Justice, White Plains.
Hon. Louis H. Bleakley, Justice of the Peace, Verplanck.
Hon. Charles M. Miller, Justice of the Peace, West Albany.
Hon. Charles E. O'Neill, Justice of the Peace, New Lebanon.
Hon. John B. M. Stephens, County Judge of Monroe County, Rochester.
Prof. Franklin H. Briggs, Supt., State Agricultural School for Boys.
Mr. Bailey B. Burritt, Ass't. Sec'y., Committee on Criminal Courts, New York.
Hon. Edmond J. Butler, State Probation Commissioner, New York.
Mr. Richard A. Flinn, Ass't. Sec'y., State Probation Commission, Albany.
Hon. Robert W. Heberd, Sec'y., State Board of Charities, Albany.
Dr. Albert C. Hill, Inspector, State Education Department, Albany.
Mr. Thomas J. Keating, Probation Officer, Albany.
Hon. Joseph A. Lawson, Miscellaneous Reporter, Albany.

- Dr. Orlando F. Lewis, Sec'y., Prison Association, New York.
Hon. Horace McGuire, State Probation Commissioner, Rochester.
Hon. George McLaughlin, Sec'y., Prison Commission, Albany.
Mr. John N. Mosher, Prosecuting Attorney, Syracuse.
Mr. Clement A. Munger, Hearing Stenographer, State Probation Commission,
Albany.
Dr. George M. Parker, Psychiatric Examiner for the Prison Association,
New York.
Mr. H. Clay Preston, Supt., Society for the Prevention of Cruelty to Children,
Brooklyn.
Capt. Orville Rothrock, Police Department, Delaware and Hudson Co., Al-
bany.
D. T. Shehan, Esq., Troy.
Dr. William O. Stillman, Pres., Mohawk and Hudson River Humane Society,
Albany.
Hon. Charles H. Strong, Pres., of the State Training School for Girls, New
York.
Arthur W. Towne, Sec'y., State Probation Commission, Albany.
Hon. Frank E. Wade, State Probation Commissioner, Buffalo.

APPENDIX L.

CITATIONS OF STATUTES ON PROBATION, JUVENILE COURTS, ADULT CONTRIBUTORY, DELINQUENCY, DEPENDENCY, NEG- LECT, AND JUVENILE DETENTION HOMES, ENACTED IN 1911*.

ARKANSAS:				
1911, act	215.	Apr. 25.	Juvenile courts presided over by county judges; salaried probation officers; contributory dependency.	
COLORADO:				
1911, ch.	179.	May 26.	Probation in cases of non-support of family.	
1911, ch.	186.	June 5.	County judge of counties of population of 100,000 or less may appoint probation officers.	
DELAWARE:				
1911, ch.	262.	Apr. 4.	Juvenile court in Wilmington; judge to be appointed by governor; probation officers.	
1911, ch.	263.	Mar. 28.	Appointment of probation officers by supreme court judge; shall serve in courts of general sessions; duties and compensation.	
1911, ch.	264.	Mar. 20.	Courts of general sessions may place adults on probation.	
FLORIDA:				
1911, ch.	6216.	June 6.	County juvenile courts; governor to appoint at least one paid probation officer in each county.	
IDAHO:				
1911, ch.	159.	Mar. 7.	Juvenile court; adult contributory delinquency; probation officers. Incorporates Revised Codes, §§ 8329-8337, as amended by 1909, pp. 224, 272.	
	(art. XVII, §§ 152-165.)			
ILLINOIS:				
1911, p.	126.	June 5.	Provides for funds to parents to be administered by juvenile courts. Amends 1907, p. 70, § 7.	
1911, p.	277.	June 10.	Authorizes suspended sentence and probation in certain cases of adults and children; appointment, powers, duties and compensation of probation officers.	
INDIANA:				
1911, ch.	83.	Mar. 2.	Election of juvenile court judge of Marion county and other judges.	
IOWA:				
1911, ch.	10.	Apr. 5.	Increases number of probation officers for children in certain counties. Amends Code Supplement, 1907, § 254-a18.	
KANSAS:				
1911, ch.	236.	Mar. 14.	Procedure in cases of adult contributory delinquency, dependency and neglect. Supplements 1907, ch. 177.	
MASSACHUSETTS:				
1911, ch.	8.	Feb. 6.	Female probation officers. Amends Revised Laws, ch. 217, § 84.	
1911, ch.	35.	Feb. 15.	Audit of accounts of probation officers by the controller of county accounts. Amends Revised Laws, ch. 21, § 48.	
MISSOURI:				
1911, p.	120.	Apr. 7.	Widows' allowances administered by juvenile courts.	
1911, p.	177.	Apr. 11.	Juvenile courts in certain counties; probation; places of detention. Repeals Revised Statutes, 1909, ch. 35, arts. VI, VII, §§ 4098-4146, as substituted by 1909, p. 423, and 1907, p. 217.	

* Citations of earlier statutes are given in the previous reports of the State Probation Commission.

- NEBRASKA:**
1911, ch. 41. Apr. 8. Disposition of cases of delinquent, dependent and neglected children; probation. Amends Annotated Statutes, 1909, §§ 5455, 5457, as amended by 1907, ch. 45.
- NEW JERSEY:**
1911, ch. 50. Mar. 21. Maintenance of juvenile detention homes in cities of the first class.
1911, ch. 225. Apr. 27. Appointment and compensation of probation officers.
- NORTH DAKOTA:**
1911, ch. 46. Mar. 18. Charitable aid for adult probationers administered by superintendent of the Society for the Friendless.
1911, ch. 177. Mar. 3. Establishes juvenile courts; appointment of volunteer "juvenile officers" whose duties correspond to those of probation officers.
1911, ch. 225. Mar. 18. Field officers of penitentiary to look after persons under suspended sentence. Amends 1909, ch. 175, § 3.
1911, ch. 226. Mar. 6. Appointment, compensation and duties of field officer. Amends 1909, ch. 174, §§ 6, 9.
- OREGON:**
1911, ch. 108. Feb. 18. Probation in cases of felony or misdemeanor in circuit courts. Amends 1905, ch. 177, § 1586.
- PENNSYLVANIA:**
1911, §§ 1-5. June 19. Adult probation; instalment fines; appointment and compensation of probation officers.
- TENNESSEE:**
1911, ch. 58. July 3. Juvenile courts and probation.
(Public Acts.)
- TEXAS:**
1911, Rev. Cr. St. Mar. 31. Juvenile courts and probation. Incorporates 1907, p. 137, and 1909, p. 100, as Code of Criminal Procedure, §§ 1195, 1197-1207.
- WISCONSIN:**
1911, ch. 269. June 8. Appointment of probation officers by municipal court in counties of 250,000 population. Adds Statutes, § 4734m.
1911, ch. 460. June 27. Juvenile courts; probation. Amends Statutes, §§ 573-1; 573-2, subds. 1, 3; 573-2, subd. 5; 573-3, subds. 1, 6; 573-6, subd. 1; 573-7; 573-9, subd. 2; and adds 573-2, subd. 4m, and 573-6, subd. 1m.

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